UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/1990/5/Add.44
9 December 1999

ENGLISH
Original: SPANISH

Substantive session of 1999

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Initial reports submitted by States parties under articles 16 and 17 of the Covenant

Addendum

BOLIVIA* **

[14 July 1999]

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* The annexes to this report may be consulted in the Office of the United Nations High Commissioner for Human Rights.

** The information submitted in accordance with the consolidated guidelines concerning the initial part of the reports of States parties is contained in the core document (HRI/CORE/1/Add.54/Rev.1).

GE.99-46227 (EXT)

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I. GENERALITIES

A. Country profile

1. Country and people

1. Bolivia is situated in central South America, bordering with Brazil to the north and east, with Argentina to the south, with Peru to the west, with Paraguay to the south-east and with Chile to the south-west. It has an area of 1,098,581 square kilometres (National Statistical Institute, 1999 (INE 99)).

2. The territory comprises three main geographical zones: the Andean region, comprising 28% of the nation's territory; the sub-Andean region, occupying the area between the high plateau or Altiplano and the eastern plains and accounting for 13% of the nation's territory; and the plains region, comprising 59% of the nation's territory (INE 99).

3. The total population of the country is 8,137,113, of whom 50.2% are women and 49.8% men. The rural population accounts for 58% and the urban population for 42% (INE 99). The indigenous population, comprising 36 different peoples, represents approximately 69% of the total population of the country and an absolute majority of the population in rural areas (1992 National Census).

4. Spanish is the official language, while Quechua and Aymara are the dominant languages throughout the Andean region and Tupi Guaraní the most widely spoken of the languages of the eastern plains.

5. Article 3 of the Political Constitution of the State recognizes and upholds the Catholic faith but guarantees the public exercise of any other faith.

2. General political structure

6. The Republic of Bolivia attained freedom, independence and sovereignty on 6 August 1825, establishing a unitary State under a representative democratic system. The first Political Constitution of the State was promulgated on 19 November 1826.

7. Another Constitution of significance in Bolivia's constitutional history dates from 1938, and includes special regimes covering such areas as the family (marriage, the family and motherhood), culture (providing for autonomy for education and public universities) and social matters (employment, social security). It also incorporated the constitutional remedy of habeas corpus as a guarantee of the right to freedom of movement, which any person believing himself to have been wrongfully or unlawfully prosecuted, detained, tried or imprisoned may invoke before the judicial organ.

8. There is also the 1967 Political Constitution of the State, important for its introduction of the constitutional remedy of amparo against any unlawful act or wrongful omissions on the part of officials or individuals restricting, suppressing or seeking to restrict or suppress the rights and guarantees of the person recognized by the Constitution and legislation. This remedy is broader

than habeas corpus because it protects all rights prescribed by the Constitution and the legislation in force.

9. Lastly there is the Constitution of 6 February 1995, the one currently in force. It adopts the structure of a unitary republic, upholds a system of representative democracy, and invests the sovereignty of the people in the three traditional branches of power, the Legislature, the Executive and the Judiciary.

10. The legislature is based on a bicameral system, with two chambers, the Chamber of Deputies (130 members) and the Senate (27 members), a total of 157 members. The constitutional legal framework of the Bolivian State allows for a post of Ombudsman, regulated under Law No. 1818, as a High Commission of the National Congress.

11. The Executive consists of the President of the Republic and the Ministers of State. The rules regulating this important organ of the State are set forth in the Executive Organization Act, Law No. 1788, and in its regulating Supreme Decrees Nos. 24855 and 25055.

12. Under the new constitutional reform the Political Constitution of the State determines that the Judiciary shall comprise the Supreme Court of Justice, Superior District Courts, Jueces de Partido and examining magistrates, the Judicature Council and the Constitutional Court.

13. There is also the municipal government system. Each municipality comprises a mayor and a municipal council. With the entry into force of the new Popular Participation Act, there is now also a Watchdog Council.

3. Economic, social and cultural characteristics

14. Gross National Product (GNP) is US$ 8,568 million, with a per capita income of US$ 1,078. According to 1998 statistics the annual rate of inflation is 4.39%. The annual trade balance is US$ 295.87 million (INE 99). In 1998 the external debt amounted to US$ 4,384.50 million. In the two capitals the unemployment rate is 10.01% (INE 97). The illiteracy rate is 13.76% (INE 98).

4. General legal context for the protection of human rights

15. The Ombudsman is constitutionally mandated to ensure the defence, promotion and dissemination of human rights.

16. The Attorney General's Office is responsible for promoting justice and defending the rule of law and the interests of the State and of society.

17. The Official Guardian (Defensa Pública) and assigned counsel for the defence intervene on behalf of persons subject to criminal proceedings who do not have sufficient resources to appoint counsel to defend them in court.

18. The courts of justice have direct jurisdiction over violations of rights, in accordance with the State's obligation to investigate, sanction and make reparation for any violation of human rights arising out of the treaties signed and ratified by Bolivia.

19. The Human Rights Committee of the Chamber of Deputies has played a role in receiving reports of violations of human rights. The Permanent Assembly of Human Rights of Bolivia also performs important tasks.

20. The Ministry of Justice and Human Rights currently has Human Rights Offices located in sensitive areas of the national territory, in the Cochabamba region, and specifically in Chimoré, Eterazama, Ivirgarzama and Bulo Bulo. Each of these offices comprises a lawyer, a doctor, a legal assistant and a driver/outreach worker.

21. The Ministry has recently assigned priority to the indigenous peoples by establishing three Human Rights Offices with support from the Swiss Government through the Development Cooperation Agency, COSUDE, in Challapata (Avaroa province, Oruro department), Monteagudo (Hernando Siles province, Chuquisaca department) and Riberalta (Vaca Diez province, Beni department), with the principal aim of promoting and defending human rights.

22. The staff of these offices place particular emphasis on activities to promote and disseminate economic, social and cultural rights, and also receive reports of violations that are investigated, brought before the competent authorities of the Attorney General's Office, the judicial authorities and, where appropriate, the Human Rights Committee of the Chamber of Deputies.

23. It is the intention that these three Human Rights Offices will accord priority to the most vulnerable sectors of the population, namely, women, children and the elderly. The Offices will also make it possible to promote conflict resolution through conciliation.

24. The staff of the Offices includes a lawyer who provides legal technical assistance, and a doctor who records physical injuries in cases of violations of the person and also works to protect the population's right to health, encompassing the concept and scope of the family doctor.

25. Since June 1999 the Ministry of Justice and Human Rights has been implementing and developing a comprehensive multidisciplinary "Promotion and Defence of Human Rights" project with technical and financial assistance from the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme (UNDP). In the context of this report the programme deals with the rights of indigenous peoples, the rights of the child and the family, and women's rights.

26. Persons claiming that their human rights have been violated may have recourse to the following remedies:

(a) the constitutional remedies of <u>amparo</u> and habeas corpus;

(b) the remedy of complaint to the Ombudsman;

(c) complaint to the judicial organ. In this case any criminal action is accompanied by criminal indemnification proceedings enabling compensation to be awarded for the damage suffered.

27. The 1995 Political Constitution of the State expressly recognizes a social regime (the right to work, trade union rights, social security, the right to health), a cultural regime (the right to education), and a family regime (the right to protection of the family, the right to a childhood). The Constitution also expressly recognizes the rights to life, to integrity of the person and personal liberty, and the most important judicial guarantees.

28. The human rights instruments may be invoked before the judicial organ, the Attorney General's Office and the Office of the Ombudsman. The Constitution of Bolivia does not establish an internal hierarchy of treaties, but specifically provides that they must be ratified by law, so that in consequence they are accorded the rank of law. They can thus be invoked before the courts as domestic legislation. However, there have been few instances of this occurring, and no case law exists concerning the self-executing nature of the provisions of the human rights treaties.

B. Information on and dissemination of the Covenant and of reports of countries to the Committee

29. The International Covenant on Economic, Social and Cultural Rights was ratified in Bolivia by decree-law. Consequently, and as it does not take the form of a law, it has not been published or disseminated in the Official Gazette, the medium through which information is officially disseminated to the Bolivian population as a whole; nor has it been translated into other local languages.

30. The "Promotion and Defence of Human Rights" project financed and afforded technical assistance by the United Nations and implemented by the Ministry of Justice and Human Rights will provide, inter alia, assistance in incorporating the Covenant into domestic law, in creating a mechanism for its dissemination, and in reflecting the Covenant in sectoral policies and laws for implementation in various fields affecting a variety of social actors.

31. The following official bodies have been involved in preparation of the report: the Ministry of Justice and Human Rights; the Ministry of Education, Culture and Sport; the Ministry of Labour and Micro-enterprises; the Ministry of Foreign Relations and Worship; the Ministry of Sustainable Development and Planning; the Ministry of Housing and Basic Services; the Ministry of Health and Social Security; the Ministry of Stockbreeding, Agriculture and Rural Development; the Economic Policy Analysis Unit (UDAPE); and the National Statistical Institute (INE).

32. The report is not available in Bolivia since its drafting has only just been completed. The debate has chiefly involved government bodies which deal with sectoral matters and which are in constant contact with social organizations.

C. Legal situation and specific application of the Covenant

33. Article 1 of the Constitution recognizes Bolivia as a multiethnic and pluricultural country; article 171 recognizes economic, social and cultural rights of the indigenous peoples.

34. The Popular Participation Act (Law No. 151) recognizes, promotes and consolidates the process of popular participation, bringing the indigenous communities together with the rest of the population.

35. The Educational Reform Act (Law No. 1565) recognizes that education is a right of the people, universal, free of charge, intercultural and bilingual. The indigenous peoples participate in the planning and evaluation of education through the Educational Councils of the Indigenous Peoples.

36. State bodies have been set up to deal with the problems relating to indigenous peoples, family and children's issues and gender.

37. The Covenant was acceded to and ratified by supreme decree in 1982, and is in the process of being elevated to the rank of law.

38. The courts do not directly apply the Covenant, there being no established practice in this regard either on the part of the Government or in civil society. Some areas of government take account of the provisions of the Covenant when drawing up their policies.

39. The Constitution recognizes the following rights: the right to work, family and children's rights, the rights to social security, education, health, and the right of the indigenous peoples and peasants to land.

40. The courts appointed to apply these rights within the Judiciary are the Supreme Court of Justice, the Superior District Courts and the courts of minor jurisdiction, although difficulties of the sort already described are encountered in their application. In administrative matters implementation is the responsibility of the various ministries of the Executive.

41. The provisions of domestic legislation intended to ensure non-discrimination are:

Ratification, through Law No. 1257 of 1991, of the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169);

Ratification, through Law No. 1152 of 1990, of the Convention on the Rights of the Child;

Ratification, through Law No. 1100 of 1992, of the Convention on the Elimination of All Forms of Discrimination against Women;

Ratification, through Law No. 1599 of 1994, of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women;

The Political Constitution of the State (Law No. 1585), articles 1, 6 and 171;

The Family and Domestic Violence (Suppression) Act, Law No. 1674 (1995);

Law No. 1818 (1997) Establishing the Post of Ombudsman; and

Supreme Decree (S.D.) No. 24864 of 17 October 1997, on Equality of Opportunity for Women and Men.

42. Ratification of the Covenant has resulted in amendments to:

Law No. 1760 (1997) providing for a rapid procedure in civil and family matters;

Law No. 1970 (1999), the Code of Criminal Procedure;

Law No. 1768 (1997), amending the Penal Code;

Law No. 1685 (1996) on a sworn surety procedure to avert delays in criminal justice;

Law No. 1602 (1997) abolishing imprisonment and execution on the person for patrimonial obligations;

Law No. 1776 (1997) on arbitration and conciliation;

Law No. 1817 (1997) on the Judicature Council;

Law No. 1836 (1998) on the Constitutional Court; and

S.D. No. 1776 (1997) Establishing the Official Guardian (Defensa Pública).

43. The national legal order does not provide for any type of discrimination against non-nationals (art. 6 of the Constitution).

D. Role of international cooperation in the application of the Covenant

44. International assistance in the context of the health guarantees provided for under article 9 takes the form of technical and financial cooperation. External cooperation funds available for health are of two kinds: grants and credits. Bolivia has various bilateral cooperation arrangements, inter alia, with the European Union, the United States of America, Japan and Nordic countries. International cooperation in the health sector is provided through organizations such as the Pan-American Health Organization of the World Health Organization (WHO/PAHO), the United Nations Children's Fund (UNICEF), the United States Agency for International Development (USAID) and non-governmental organizations (NGOs).

45. The most important international cooperation in connection with article 10 is provided by UNICEF.

46. Regarding article 13, from the outset international assistance has been crucial to the financing of the Educational Reform and the development of technical and university education, through organizations such as the Organization of Ibero-American States for Education, Science and Culture (OEI), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Organization of American States (OAS) and the "Andrés Bello" Convention concerning the educational, scientific and cultural integration of the countries

of the Andean Region. The education sector is a priority for the Swedish International Technical and Economic Cooperation Agency, the Netherlands and multilateral agencies such the Inter-American Development Bank (IDB), the World Bank and UNICEF.

47. As for the resources allocated, the most recent report on External Financing in Bolivia, prepared by the Vice-Ministry of Public Investment and External Financing (VIPFE) indicates that the education sector has a portfolio of 33 projects, receiving just over US$ 212 million in external financing, 37% of which had been disbursed by the end of 1997.

48. To conclude this overview, mention should be made of some upcoming developments based on the Operational Action Plan, which establishes the resource flow within the Public Investment Programme for the period 1998-2002. For the education sector provision is made for a flow of US$ 72 million for 1998 and an annual average of US$ 110 million over the four-year period.

49. With regard to article 15, support is provided by multilateral cooperation agencies such as OAS, the Executive Secretariat of the "Andrés Bello" Convention (SECAB), Ibero-American Science and Technology for Development (CYTED) Programme, and UNESCO.

50. By law the Ministry of Finance is responsible for negotiation and contracting of the external financing and technical cooperation included in the Treasury General of the Nation.

51. Technical assistance accorded to Bolivia totals about US$ 700 million annually, representing approximately 10% of Gross Domestic Product (GDP) and more than 50% of the value of exports. The bulk of this aid comes from multilateral sources, with whom most of the external debt has also been contracted.

52. The assistance received in recent years can be broken down as follows: investment projects (61%); independent technical cooperation (20%); balance of payments support (8%); technical cooperation in connection with investment projects (6.5%); food aid (4.2%); emergency aid (0.3%). More than 55% of this aid is in the form of credits and the rest in the form of subsidies and grants.

53. The main sources of cooperation are: Inter-American Development Bank (18%); Andean Development Corporation (CAF) (15%); United States of America (14%); World Bank (9.5%); Germany (8%); Netherlands, Italy and Japan (each 4.2%). Other fairly significant sources are Switzerland and Belgium.

54. The structure of cooperation by sector in recent years has been approximately as follows: economic management (16%); transport (13%); regional development (11%); international trade (10%); natural resources (9%); agriculture (8%); social development (8%); health (6%); energy (6%), and others.

55. In the health sector, cooperation has been mainly targeted on the following areas, in descending order of importance: primary health care (77%); sectoral policies and planning (14%); immunization and measures to combat disease (8%); hospitals and clinics (1%); and family planning (0.4%).

56. As for cooperation in the education sector, the breakdown has been: 27% for education and technical training; 22% for sectoral policies and planning; 18% for primary education; 14% for non-academic education; 10% for secondary education. External cooperation in this sector over the five-year period 1990-1995 is estimated at US$ 20 million, although there has been an upward trend in the figures, with US$ 10 million in 1994 alone, accounting for 14% of total international cooperation. This sector received US$ 1.8 million in 1991, US$ 6.4 million in 1993 and US$ 19.7 million in 1994 (UNAS).

57. The water and sanitation sector has been one of the main beneficiaries of international cooperation, the resources devoted to it increasing from US$ 35 million in 1992 to US$ 41 million in 1993 and US$ 41.2 million in 1994, a total of US$ 117.6 million over the three-year period (National Directorate of Basic Sanitation - DINASBA). Most of these resources have been allocated through the National Rural Development Fund (FNDR) and the Sanitation Research Fund (FIS).

58. International cooperation channelled by the State into development of the indigenous peoples has come from the following international sources: the Danish International Development Agency (DANIDA), in an amount of US$ 5 million; UNDP (US$ 100,000); Swedish International Development Authority (SIDA) (US$ 500,000); German technical cooperation (GTZ) (US$ 1.5 million); and the Netherlands (US$ 80,000): a total of US$ 7.68 million (Department of Ethnic Affairs - Vice-Ministry of Indigenous Affairs and Indigenous Peoples (ASE-VAIPO), policies 1997-1999).

59. On gender matters, since 1992 Bolivia has been in receipt of specific resources from SIDA, and subsequently also from the Netherlands, the United Nations Fund for Population Activities (UNFPA), WHO/PAHO, IDB, and most recently from UNICEF, Canada, the German Embassy and GTZ. The amounts received total about US$ 1.6 million.

II. GENERAL PROVISIONS

A. Article 1

60. Article 1 of the Political Constitution of the State provides that Bolivia is a free, independent, sovereign, multiethnic and pluricultural country, constituted as a unitary republic, and adopts the democratic representative form of government, founded on the union and solidarity of all Bolivians.

B. Article 2

61. From the moment a non-national settles or establishes himself lawfully in the country he enjoys all the rights recognized in the Covenant, and there are thus no differences or discrimination in the implementation of those rights.

62. With regard to the elimination of all forms of discrimination, in recent years Bolivia has made important strides in legislation concerning the indigenous peoples, as in the case of ILO Convention No. 169, which has the rank of law in the Republic.

63. Bolivia is involved in development cooperation as a recipient, not as a donor. In allocation of the resources derived from such cooperation, priority is given to alleviation of structural problems associated with poverty and economic under-development and to strengthening the State institutions. The stability of the democratic system through good governance and stability of the economy are the priorities guiding cooperation investment plans, as a basis for fostering better economic, social and cultural conditions for citizens.

III. PART OF THE REPORT RELATING TO SPECIFIC RIGHTS

A. Article 6

Guidelines, article 6 of the Covenant, paragraph 2 (a) */

64. Poverty constitutes a key problem for Bolivia, and one closely associated with job opportunities and income creation.

65. The trend in both urban and rural areas is towards increased unemployment, a consequence of the falling growth rate resulting from the economic recession in Asia. To this must be added the phenomenon of the involvement of children in agricultural production in the south of the country, as a result of which the economic life of a large part of the population engaged in agricultural and stockbreeding activities has been disrupted.

66. The incidence of poverty has been falling in Bolivia's chief cities, from 53% of the population in 1989 to 48% in 1994 and 46% in 1998. This trend is largely attributable to the 17% increase in per capita family income over this period, with more family members entering the labour market in response to unequal wealth distribution.

67. In rural areas the rate of participation is higher than in the capitals, because of the early incorporation into the labour market of young people of both sexes, particularly women, who account for approximately 80% of the work force in the fields, as compared to 50% in the capital cities.

68. Annex 1 sets out global employment trends by gender for the period 1989 - 1997. The total open unemployment rate fell from 10.4% to 4.4% over the period in question, with a higher rate among women than men at the start of the period, and with open unemployment among women falling more rapidly over the period as a whole.

69. Although Bolivia has low rates of open unemployment, the quality of employment is not high, with rates of underemployment fluctuating at around 10%. In 1997, 127,000 persons were underemployed.

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*/ The side headings refer to the text of the revised general guidelines regarding the form and contents of reports to be submitted by States parties under articles 16 and 17 of the Covenant (E/C.12/1991/1).

70. Employment surveys do not disaggregate the various population groups in the manner requested in the guidelines; consequently, only global information and a breakdown by gender have been submitted.

Paragraph 2 (b)

71. Economic stability will lead to more rapid growth as it brings better income distribution, will promote sustainable development providing better opportunities, and will solve employment and income problems, thereby effectively combating poverty. Through the alliance for production, all those directly concerned (the State, businessmen, urban and rural workers, peasants and indigenous peoples) can cooperate in implementing policies and actions intended to overcome their disadvantages and actively strive to achieve growth.

72. In this context, pursuant to its responsibilities and attributions and in fulfilment of legislative provisions, the Ministry of Labour and Micro-enterprises is developing a project to close the labour gap through an interinstitutional agreement with public and private bodies involved in training the labour force, to ensure that, through the Employment Exchange to be set up at national level pursuant to the agreement with ILO, work is found for all persons trained in these centres.

73. Furthermore, with the powers it has been granted the Vice-Ministry of Micro-enterprises is working to promote and strengthen micro-enterprises at national level, and is consequently creating more sources of work, both for microproducers and for the staff they will require. A description of some of the policies currently being implemented by the Ministry of Labour is to be found in Annex 1.

Paragraph 2 (c)

74. To ensure that work is more productive and efficient the Ministry has introduced regulations establishing continuous working hours in all public and private enterprises (subject to prior agreement between the parties), giving workers the opportunity to undergo training, earn higher wages, etc.

75. The training programmes cover both areas. In the public sector, UDATEL, a decentralized body of the Ministry of Labour and Micro-enterprises, promotes training of workers, employees, small-scale entrepreneurs and the general public. In the private sector, INFOCAL, IDEPRO and other bodies train workers, employees, small-scale entrepreneurs and the general public.

76. Thus, this Ministry is planning an interinstitutional agreement with the private-sector training institutions, aimed at closing the labour gap through the Employment Exchange, the department responsible for placing trained staff at national level. Additional information is available in Annex 1 in the form of transparencies.

Paragraph 2 (d)

77. Among the legislative provisions in this regard are the Political Constitution of the State; the General Labour Law; the regulating Decree; S.D. No. 21060 and S.D.(Extending) No. 22407. These provisions ensure that all

citizens enjoy the right to work and the right to associate freely and form trade unions. Consequently, the political and economic freedoms of the individual are not infringed.

Paragraph 2 (f)

78. The principal obstacle to attaining the objectives set forth is the lack of economic resources to implement employment policies.

Paragraph 3 (a)

79. In the 1950s ILO began its work of promoting equality of opportunity and treatment and the principle of non-discrimination. Against that background a number of conventions adopted by the International Labour Conference are particularly crucial to improving the situation of women workers. They include: (a) the Discrimination (Employment and Occupation) Convention, 1958 (No. 111); (b) the Equal Remuneration Convention, 1951 (No. 100); (c) the Workers with Family Responsibilities Convention, 1981 (No. 156); and the Human Resources Development Convention, 1975 (No. 142).

80. Bolivia ratified the Convention on the Elimination of All Forms of Discrimination against Women by Law of the Republic No. 1100 of 1989, giving mandatory force to universally accepted principles and measures to ensure that women enjoy equal rights in all areas of development, and, in particular, in the political, social, economic and cultural spheres, on the basis of recognition that discrimination affects the realization of equal rights.

81. The commitment to take effective measures to reverse the exclusion of women has led to a need to establish a legal mechanism to promote more effective implementation of the Convention. Consequently, in the S.D. on Equality of Opportunity between Women and Men, of October 1997, the Vice-Ministry of Gender, Age-Related and Family Affairs established a strategic alliance with institutions representing the State, international cooperation and civil society, in the form of a Transitional Committee for the Optional Protocol to the Convention, with the aim of raising public awareness of the importance of this instrument and placing the Convention on an equal footing with other international conventions that provide for communication procedures, and to coordinate actions to secure approval of the optional protocol, which will be submitted to the next session of the General Assembly for adoption and thereafter opened for accession by States.

82. ILO Convention No. 156 and its accompanying Recommendation No. 168, together with Conventions Nos. 100 and 111, form a triad of international treaties fundamental to achieving effective equality of treatment and opportunity for men and women in employment matters. The legal guidelines in Convention No. 156 provide that both men and women must be able to exercise their right to employment without being subject to discrimination resulting from family responsibilities and, "to the extent possible, without conflict between their employment and family responsibilities".

83. It is essential to take account of these Conventions when considering whether it is possible to achieve effective equality of treatment and opportunity between women and men in employment matters. In this context it is

important to understand the contribution women's work makes to the economy, on two levels: the first associated with generation of and growth in GDP, relating to the production of goods and services for disposal on the market; the second relating to production or creation of goods and services intended for consumption in the home which are not marketable but which nevertheless make an important contribution to economic development and growth. One of women's main problems in this area is the excessive burden of work they face in the home.

84. The lack of democratization of the responsibilities relating to maternity and household chores is one of the main causes of the occupational inequality between men and women in the labour market, particularly in urban areas. According to statistics drawn from the 1992 National Population and Housing Census, 60% of women of working age devote their time and energy to reproductive functions in the home which are not valued socially and do not afford them financial independence.

85. Furthermore, as currently drafted, the General Labour Law treats women as beings of limited capacity whose principal responsibility is caring for the family. Consequently, women are accorded protection and special treatment in this piece of legislation. These provisions intended to protect women actually have the opposite effect of leading to greater discrimination in the labour market. The Vice-Ministry of Gender Matters has drawn up a draft law amending the General Labour Law to take account of central issues such as equality for women in the workplace and maternity protection.

86. What is required in order to achieve equality of treatment in employment is generally applicable norms, with women accorded special protection only to enable them to fulfil their role, as mothers, of reproducing the human species and the work force.

87. On the question of protection of mothers, half a day's leave per month has been introduced, prior to antenatal leave, to enable pregnant employees to receive antenatal health care. The same leave facility is available throughout the first year after the birth of the child, to provide for child health care and monitoring, and may be taken by either spouse.

88. In this context, through the Vice-Ministry of Gender, Age-Related and Family Affairs of the Ministry of Sustainable Development and Planning, the State attaches priority to establishing a comprehensive range of actions aimed at changing working conditions with a view to reducing discrepancies in access to work by men and by women, firstly, by democratizing and socializing family responsibilities and ensuring the economic participation of both partners, and secondly, by providing equality of access, promotion and above all remuneration in employment. This task will receive a boost from the ratification of the Convention that is currently in hand.

89. The statistics show that men's wages are generally higher than women's; however, on average, men also work more hours per month than women, and have higher levels of educational attainment. The latter two phenomena may account for the wage discrepancy, in which case it may not be entirely appropriate to speak of discrimination.

90. In his work Wage Discrimination in Bolivia by Gender and Ethnic Group, 1991 (La Paz, 1994), Roberto Rivero measures discrimination in the urban formal labour market and provides evidence suggesting that discrimination exists on both counts.

Forms of economic participation by women

91. Account needs to be taken of the main characteristics associated with the economic participation of women that justify the conclusions drawn and the position taken by the Ministry of Sustainable Development and Planning through the Vice-Ministry of Gender, Age-Related and Family Affairs, already alluded to above.

(a) Women are participating in the labour market more intensively and in ever greater numbers;

(b) The world of work is segregated by sex, as is shown by the fact that women continue to be concentrated in certain occupations and economically peripheral activities, and receive lower pay. Likewise, they occupy junior posts with less responsibility and authority in economic enterprises;

(c) Differences between the wages paid to men and to women are significant at aggregate level;

(d) These characteristics are corroborated by an analysis of the data provided by INE for 1998 on the structure of national employment in Bolivia's capitals;

(e) According to this information, of the total economically active population, which represents 41% of the population of working age, 57.2% are male and 42.8% female. The working population in the capitals is 1,339,873, of whom 57.2% are male and 42.8% female;

(f) This information also shows the segmentation of employment in Bolivia, if we note the relationship between women's level of education and the type of work they do;

(g) Men account for 19.1% of illiterates in the employed economically active population, and women for 80.9%. Men account for 66.4% of employees with no educational qualifications, and women for 33.6%. On the other hand, no significant difference is discernible in the category of heads of enterprises or employers with no educational qualifications, with women accounting for 49.6% and men for 50.4%.

(h) In the category of heads of enterprises or employers with a university education, among men there is a high correlation between the level of academic attainment and the likelihood of their becoming heads of enterprises or employers, which is not true of women in the same category. The statistics show that men account for 87.2% in this occupational category and women for 12.8%. The same pattern may be observed among the self-employed: of the total population in this category, 72.1% are men and the remaining 27.9% women.

(i) At the other extreme, in the category of labourers, in general there are more skilled men than women in the labour force, except at the level of persons with teacher training qualifications. Of the total number of labourers who have completed primary schooling, 89.2% are men and 10.8% women; of those who have completed secondary schooling, 92.5% are men and 7.5% women; of those with a university education, 74.8% are men and 25.2% women. On the other hand, no woman with teacher training qualifications is to be found in this category;

(j) According to the information provided, among those with no educational qualifications, women predominate in three areas: they account for 83% of workers in the home, 80% of the self-employed and 68% of employees. A similar pattern is discernible in other levels of education: among those with a primary education women account for 62% of those working in the home, 58.7% of the self-employed and 28.4% of employees. Among those with teacher training qualifications, women in this category account for 100% of workers in the home, 71.4% of employees and 47.9% of the self-employed. Similarly, of those with university qualifications, women account for 54.6% of workers in the home, 34.4% of employees and 27.9% of the self-employed. Lastly, in the category of employees in the home, 92.2% of the total are women with primary or secondary qualifications;

(k) Other important statistics regarding the labour force relate to economic activity by gender;

(l) Of the total population declaring themselves to be occupied in agriculture 73.2% are men, and 26.8% women. Activities such as forestry and fishing, or mining, are performed chiefly by men (93% and 91.6% respectively); while in the construction industry men account for 96.1% of the labour force;

(m) More and more women are to be found in manufacturing: of the total population working in this sector, 65.8% are men and 34.2% women. The same is true of entrepreneurial activities, where men account for 62.9% and women for 37.1% of the total;

(n) The situation is reversed in the tertiary sector. In activities traditionally performed by women, such as services provided in the home, women account for 88% of employees; and in services such as hotels and restaurants, 79.7% are women and 20.3% men. In trade, the figures are 59% for women and 41% for men. In teaching, too, women account for 60.5% and men for only 39.5%;

(o) With regard to the participation of the labour force with no educational qualifications in the primary and secondary sectors, the figures for women are higher. The participation of women without educational qualifications in agriculture is 55.6%, for men 44.4%. The same is true of manufacturing industry, where such women account for 67%; or in mining, where they account for 48%;

(p) Similarly, in services, the figures for women with no educational qualifications are even higher, in some cases - such as public administration, education and social services - as high as 100%. In hotels and restaurants such women account for 94.4% of the total, and for trade the figure is 88.3%;

(q) The higher women's level of education, the higher their penetration of other, traditionally male activities. Thus, women who have attended university account for 21.9% of the total in activities such as utilities (electricity, gas, water); or in the construction industry, where they account for 27.3%;

(r) Other statistics provided by National Employment Survey III, conducted in the capital cities, relate to income distribution by gender. In November 1997 the average monthly income of the labour force was Bs 1,207. Men's income is Bs 1,448, and women's Bs 860. The differences are more pronounced if a comparison is made of incomes within the same economic activity. In agriculture, men's average income is Bs 2,660, while women are paid Bs 828. In forestry and fishing, the average income for men is Bs 2,937, compared to Bs 500 for women. In manufacturing industry, while men earn an average of Bs 1,111, women earn Bs 597;

(s) In tertiary sector activities, where, as has already been seen, women are more strongly represented, the income difference in favour of men is glaring. In trade, men earn an average of Bs 1,386, compared to an average of Bs 784 for women. In the hotels and restaurants sector, men's average income is Bs 1,535, while women earn an average of Bs 677. Similarly, the average income of male teachers is higher than that of women teachers: Bs 1,444 and Bs 935 respectively;

(t) There are some activities in which women earn higher average incomes than men, such as the construction sector, where women's average income is Bs 2,049, compared to Bs 1,090 for men; or public administration, where the difference is negligible but slightly favours women: Bs 1,787, as compared to Bs 1,592 for men. Women working in these sectors clearly have a higher level of education than men, as statistics cited previously have already shown;

(u) The same pattern emerges if one compares average incomes by occupational category: male labourers earn Bs 771, while female labourers earn 58% of the average income of their male counterparts. The same is true of employees, where women earn on average 68% of men's income. In the case of the self-employed, the discrepancy is similar, with women earning 61% of men's income. In the category of heads of enterprises and employers, women's average income is 77% of men's. The same is true of domestic employees, where women earn only 66% of what men earn for the same work. Only in the case of self-employed professionals do the figures show women earning more (by 6.5%) than men;

(v) In mining, men work an average 55-hour week, compared to 48 hours for women; in manufacturing, men work an average 50-hour week and women an average of 40 hours; in teaching, men work an average 32 hours and women 27. In activities such as trade, social services and community work, men and women work the same average number of hours per week: 50, 44 and 40 respectively;

(w) Lastly, the information available shows that, for the active population as a whole, men generally work more hours per week than women (57.2 compared to 42.8). Of the population working more than 40 hours per week, 65% are men and 35% women. In the category of labourer, women account for 8% of those working more than 40 hours a week, and men for 92%. The gap narrows for the self-employed, where women account for 43.6% and men for 56.4% of those

working more than 40 hours. Finally, the opposite is true of the category of workers in the family, where women working more than 40 hours a week account for 75.9% of the total, and men for 24.1%;

(x) On the other hand, among those working between 1 and 12.5 hours, 13 and 19.5 hours and 20 and 39.5 hours weekly, women predominate (60.4%, 55.7% and 63.6% respectively). Among the self-employed, however, women account for 71.1% in the first category, 71.1% in the second, and 73.4% in the third. Lastly, on the basis of the statistics available it is not possible to establish categorically that women generally do two or even three full-time jobs concurrently, as they continue to perform reproductive functions in their home lives.

Paragraph 3 (b)

92. Within the General Economic Development Plan, the strategy for promotion and transformation of production represents an attempt to meet the challenge of achieving development in a Bolivia characterized by social solidarity, without distinction as to race, colour, sex, religion and national origin; one that will make it possible to create factors and conditions conducive to overcoming the structural limitations of technical and vocational training.

Paragraph 3 (c)

93. See under (a) and (b).

Paragraph 4

94. In rural areas women do two full-time jobs, working in the fields, selling their produce and performing household duties. In the cities, the introduction of the continuous working day will enable a higher proportion of the active population to acquire a new source of income, making it possible for them to enjoy a higher standard of living and allowing them time in which to undergo training.

Paragraph 5

95. There have been no changes in the reporting period. Various proposals to amend the General Labour Law have been tabled, including the introduction of labour flexibility and the Children and Adolescents Code.

Paragraph 6

96. ILO, as the international body with special competence in labour matters, assists in the implementation of the relevant legislation and of the ILO Conventions to which Bolivia is a party.

97. The Ministry of Labour has signed an agreement for the implementation of the Labour Relations Modernization Programme financed by the Inter-American Development Bank. At present the programme is working on labour relations at national level, organizing seminars, workshops and other events dealing with labour problems in Bolivia.

98. With regard to international assistance, ILO is assisting in the organization of seminars, specifically a seminar on child labour in Bolivia held in La Paz on 25 and 26 May 1999, with the participation of all the sectors involved in the question at national level: ministries of State, prefectures and departmental governments, NGOs and other institutions.

B. Article 7

Guidelines, Article 7 of the Covenant, paragraph 2 (a)

99. Wages are fixed on the basis of the Consumer Price Index, promulgated annually in the form of supreme decrees following analysis and agreement by the accredited bodies.

Paragraph 2 (b)

100. Article 2 of S.D. No. 25318 of 1 March 1999 establishes the national minimum wage, which is fixed at Bs 330 in both the public and private sectors, effective for the year from 1 January 1999.

101. Article 3 of the same S.D. establishes a wage increment over and above the total basic income for the public sector, according to the following scale:

From Bs 300	to	Bs 302	10% increment
From Bs 303	to	Bs 310	9% increment
From Bs 311	to	Bs 320	8% increment
From Bs 321	to	Bs 330	7% increment
From Bs 331	to	Bs 600	6% increment
From Bs 601	to	Bs 1000	5.5% increment
From Bs 1,001	to	Bs 1,500	5% increment
From Bs 1,501	to	Bs 3,000	4.4% increment
From Bs 3,001	to	Bs 3,100	3.5% increment
From Bs 3,101	to	Bs 3,150	2% increment
From Bs 3,151	to	Bs 3,200	1% increment
Over Bs 3,200			0% increment.

102. The wage increment in the private sector will be established by agreement between employers and employees in accordance with article 62 of S.D. No. 21060 of 29 August 1985.

103. In the public sector the proper determination of the cost structure, wage scale and distribution of line 10,000 "Personal Services" and its execution is

the responsibility of the chief executive of the enterprise, who will have to take account of the provisions of S.D. No. 25318 and the relevant legislation in performing that task.

104. In the public sector, officials paid in foreign currency or whose wages are indexed to foreign currency are excluded from the scope of the wage increment.

Paragraph 2 (b) (i)

105. Minimum wages are fixed by supreme decree, which confers on them the force of law for their implementation. It is the responsibility of the Ministry of Labour and Micro-enterprises to adopt legal provisions regulating the scope of S.D. No. 25318, as reflected in Ministerial Resolution No. 145/99, article 3 of which guarantees implementation of the wage increment, establishing a period of 30 days from the date of issuance for enterprises to comply with the compulsory requirement to register wage agreements with the Ministry of Labour and Micro-enterprises. Once that deadline has passed non-compliance shall be subject to sanctions as provided for in law.

Paragraph 2 (b) (ii)

106. With a view to guaranteeing economic and financial stability, the Executive has determined that the distribution of the wage bill should be such as to promote solidarity and equity vis-à-vis the lower-income brackets.

Paragraph 2 (b) (iii)

107. Minimum wages are fixed through promulgation of a supreme decree in the Council of Ministers, establishing the scope of application, the national minimum wage, the wage increment in the public and private sectors, the maximum basic wage, a ban on wage agreements, allocation of quotas (for casual staff), responsibility, application of the wage increment, expenditure items to be increased, approval of the wage scale, financing of the new national minimum wage, family allowances, specific cases, temporary work contracts, the civil service programme, items for settlement, budgetary reallocations, enterprises undergoing privatization, exemptions and abrogations and the period of applicability of the supreme decree.

Paragraph 2 (b) (iv)

108. Since 1994 the national minimum wage has been fixed through the following ministerial resolutions:

Ministerial resolution	Date	Minimum wage (Bs)
334/94	8 June 1994	190
267/95	21 July 1995	205
030/96	25 April 1996	223
003/97	23 March 1997	240
320/98	3 June 1998	300
145/99	18 March 1999	330

Paragraph 2 (b) (v)

109. As was mentioned in paragraph 105, implementation of the national minimum wage is monitored through submission of wage agreements which all enterprises are obliged to register with the Ministry of Labour and Micro-enterprises.

Paragraph 2 (c)

110. The Political Constitution of the State and the General Labour Law provide for equality between men and women in employment and for equal pay for equal work.

Paragraph 2 (c) (i)

111. No discrimination exists in this area.

Paragraph 2 (d)

112. The new economic policy provides for free contracting in the private sector, with the General Labour Law remaining the regulatory mechanism. This is the basis for a rationalization of the wage system in the public and private sectors.

113. Under the wage rationalization scheme, salaries are annualized and additional payments abolished, with twelve monthly wages or salaries paid annually and the elimination of any additional remuneration, bonuses in cash and in kind, subsidized meals, and salaries 15, 16 and 17 (national holiday bonuses, perquisites and any participation in profits other than the annual bonus established by law in private-sector production enterprises).

Paragraph 3

114. The legislation determining safety and health in the workplace is as follows: (a) the General Labour Law of 8 December 1942: titles concerning health and safety in the workplace and occupational hazards; (b) Decree regulating the General Labour Law, dated 23 August 1943: titles concerning health and safety in the workplace and occupational hazards; (c) basic regulations on industrial health and safety, of 16 January 1951 (S.D. No. 2348); (d) Code of Social Security of 30 September 1946; (e) Provisions regulating the Code of Social Security dated 30 September 1959; (f) General Occupational Health, Safety and Welfare Law of 2 August 1970 (Decree Law (D.L.) No. 16998); (g) Health Code of 18 December 1978 (S.D. No. 15629).

115. This legislation is implemented nationally by the central and departmental government services with jurisdiction and competence in the matter, namely, the Ministry of Labour and Micro-enterprises, the departmental prefectures, the Ministry of Social Security and Public Health and operational divisions of the social security services.

116. Recently the pension funds have also begun to gather and compile statistics on industrial accidents, work-related illnesses and medical examinations of employees.

117. In theory, no group of employees or employers falls outside the scope of the occupational health provisions; in practice, however, self-employed and casual workers are not currently covered, although in the case of accidents they are able to turn to the Ministry of Labour for assistance in securing medical care in connection with their employment and to obtain compensation for damage to their health.

Paragraph 3 (a)

118. Members of the armed forces and State security organs in the performance of their specific duties, persons working in their own homes and members of an employer's family working in the employer's own home are exempted from compliance with the provisions of the General Occupational Health, Safety and Welfare Law.

119. However, following a number of representations, civilian personnel in the armed forces and State security organs, and even low-paid military personnel in the performance of their duties, are now required to comply with the statutory provisions and provide information on work accidents and other related incidents to the competent authority to enable the causes of the incident or incidents to be investigated and rectified.

120. It is very difficult to establish conclusively those categories of worker who benefit insufficiently or not at all from occupational health and safety schemes, as the State departments are doing everything in their power to cover every sector in spite of a dearth of staff, infrastructure, material and especially budgetary resources.

Paragraph 3 (b)

121. Occupational accidents are dealt with in the social security health services or, where not covered, in private health clinics. Harmonized statistics are produced in the Directorate-General of Occupational Health, Safety and Welfare of the Ministry of Labour and Micro-enterprises and in the Department of Occupational Medicine of the National Health Fund. The most recent statistics, referring to the period 1991 - 1995, are annexed to this report (Annex 1).

Paragraph 5

122. The laws governing the limitation of working hours are:

(a) article 41 of the General Labour Law, which provides that every day shall be a working day with the exception of holidays, which shall include Sundays, public holidays and those days declared exceptional holidays by laws and special decrees;

(b) article 67 of Supreme Decree No. 21060, which provides that holidays on which public and private activities are suspended shall be Sundays, 1 January, Shrove Tuesday and Ash Wednesday, Good Friday, 1 May, Corpus Christi, 6 August, 10 November, 25 December and the date declared a public holiday in each department;

(c) article 68 of the same decree, which provides that all public holidays falling on a Sunday shall be celebrated on the working day immediately following, pursuant to Decree No. 14260 of 31 December 1976;

(d) article 69 of the same decree, which provides that work shall not be suspended on the commemorative days of employees' guilds or professional bodies, religious and regional groups, institutions or enterprises, whether public or private. A declaration of national mourning does not imply the suspension of work;

(e) article 42 of the General Labour Law provides that on holidays no work of any description may be performed, even in vocational education or voluntary teaching. In places remote from the capitals, occasional public holidays may be replaced by an alternative day of rest;

(f) article 1 of the Regulatory Decree of 30 August 1927 provides that in departmental capitals physical work undertaken on others' behalf, i.e. work for which there is no compensation for the worker other than his wage or salary, is prohibited on Sundays.

123. Article 44 of Decree No. 3150 of 1952, amended by article 1 of S.D. No. 17288 of 18 March 1980 provides that the annual holiday to which workers are entitled shall be as follows: from 1 to 5 years' service, 15 working days; from 5 to 10 years' service, 20 working days; from 10 years' service upwards, 30 working days.

Paragraph 5 (a)

124. One of the factors and difficulties affecting the degree of realization of these rights is a lack of familiarity with the legislation in force on the part of the workers, as well as unemployment and the abundant supply of unskilled labour, in consequence of which workers are ready to forgo their rights in order to preserve their jobs.

Paragraph 5 (b)

125. Article 4 of the General Labour Law provides that by virtue of the need to meet or avoid serious damage to the public interest, the following services may be performed on Sundays:

those concerning the movement of passenger and freight trains; reception and delivery of correspondence, parcels, luggage and loads of a perishable nature;

tram lines, motor car and motor coach services;

telephone and telegraph services;

lighting and motive power services;

markets and fairs;

butcheries, dairies, bakeries and their respective distribution services;

wholesaling of provisions and food products for the sole purpose of retailing of articles;

flower stalls;

hotels, but not their refreshment facilities, restaurants or inns (only their catering services);

tobacconists;

photographic premises (only to process negatives);

distribution and sale of daily newspapers and reviews with a daily circulation;

museums and libraries;

pharmacies open during special hours provided for on the municipal rota;

hospitals, clinics and dispensaries;

funeral services or firms;

theatres, circuses, cinemas, racecourses and other enterprises involved in public entertainment and recreation.

Article 5 provides that by virtue of their technical nature or the serious harm their interruption may cause to industry, work may be performed on Sundays:

(1) when the raw material may deteriorate if not processed or if it is required for preparation, manufacture and completion during the 24-hour period including the Sunday;

(2) in the exploitation of mines of any type, but not in cablecars, machinery or processing plants;

(3) in tasks requiring the replenishment or operation of baking ovens or calcination furnaces;

(4) workers involved in the completion of rapid tanning processes and engineers in tanneries;

(5) in breweries, fermentation of must and operation of cooling plants, and in distilleries.

Under article 7 the Directorate-General of Labour may authorize work on Sundays

(1) when there is imminent risk of damage, to create defences against floods or alleviate their effects and to repair conduits;

(2) in circumstances where an ad hoc need arises.

Paragraph 6

126. No previous reports have been submitted.

C. Article 8

Guidelines, article 8 of the Covenant, paragraph 2

127. The formation of a trade union is without exceptions subject to the statutory provisions of article 99 of the General Labour Law.

Paragraph 2 (a)

128. No special legal provisions exist regarding the establishment of trade unions by any categories of workers; trade unions may be formed by a minimum of 20 workers, subject to the provisions of the General Labour Law.

Paragraph 2 (b)

129. There are no restrictions on the formation of trade unions, which are enshrined in the Political Constitution of the State and the General Labour Law, or on freedom of association either by employers or by employees.

Paragraph 2 (c)

130. The State guarantees all Bolivians the freedom and the right to form associations and trade unions for lawful purposes, for the free exercise set forth in article 150 of the Political Constitution of the State, articles 99 and 120 of the General Labour Law, its Regulatory Decree and the ILO Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87).

Paragraph 2 (d)

131. There are no restrictions or limitations on the right of trade unions to function freely.

Paragraph 2 (e)

132. There are about 274 employees' trade unions, 263 associations of the self-employed, 18 national confederations, 58 federations, 9 departmental workers' centres, 14 regional workers' centres and the Bolivian Workers' Centre, an umbrella body grouping together all these organizations.

Paragraph 3

133. This right is recognized in article 159, paragraph II, of the Political Constitution of the State.

Paragraph 3 (a)

134. Article 105 of the General Labour Law provides that "no untimely interruption of work shall be permitted in any enterprise by the workers, before all the means of conciliation and arbitration provided for in the present Title have been exhausted, failing which the action shall be regarded as illegal." Article 106 of the same Law provides that any trade union in dispute with the employers shall transmit its claims under seal to the appropriate Labour

Inspector, signed by the officials of the trade union or, failing that, by more than half the workers party to the dispute.

Paragraph 3 (b)

135. The provisions are: article 150, paragraph II, of the Political Constitution of the State; articles 114, 115, 117, 118 and 119 of the General Labour Law; and articles 159, 160, 161 and 162 of Regulatory Decree No. 224 of 23 August 1943.

Paragraph 4

136. This occurs only where social peace and security and the security of the State and of its property need to be safeguarded.

Paragraph 5

137. No previous reports have been submitted.

D. Article 9

Guidelines, article 9 of the Covenant, paragraph 1

138. The Social Security Code enshrines eight of the nine contingencies recommended by the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102): sickness, maternity, occupational hazards, invalidity, old age, death, family allowances and social housing.

139. The provisions of the Social Security Code regulate benefits under the compulsory social security scheme and family allowances. Compulsory social security includes cover for sickness, maternity, occupational hazards, invalidity, old age and death. Family allowances cover married persons' allowances, maternity, nursing mothers' and family allowances, and burial grants.

140. Unemployment benefits do not exist in Bolivia.

Paragraph 3

Sickness and maternity cover

141. Sickness insurance for insured persons and beneficiaries covers necessary general and specialized medical and dental care, surgery, hospital care and provision of necessary medication, as well as payment of the temporary incapacity allowance to contributors for the duration of the illness.

142. Maternity benefits are paid to the insured mother or the spouse or partner of the insured person and include the necessary medical, surgical and hospital care and provision of medication required by the patient's condition, as well as payment of the temporary antenatal, confinement and postnatal incapacity allowances.

Occupational hazards cover

143. Benefits in kind to which insured persons who have been victims of an occupational hazard are entitled are:

- medical and dental assistance;
- surgery and hospital care;
- provision of medication and other therapeutic aids;
- provision, repair and renewal of prosthetic and orthopedic appliances; and
- treatment to secure recovery and occupational rehabilitation.

144. Occupational hazards fall into two categories: accidents at work and occupational diseases. Both are subject to the same calculations: after 26 weeks' medical treatment, which may be extended for another 26 weeks, and when it has proved impossible to secure the victim's recovery, the doctor declares him or her to be permanently totally or partially incapacitated.

145. The only condition for entitlement to an occupational hazards allowance is for the work accident or occupational disease to be registered by the competent medical service.

146. Depending on the degree of incapacity, the occupational hazards allowance is paid at the following rates:

(a) Permanent total incapacity, equivalent to 100% incapacity for work and permanent partial incapacity, categorized as such when the medical services determine a degree of incapacity for work of between 25 and 90%. For incapacity allowances of 60% and upwards the worker must submit a certification that he is no longer working. For incapacity assessed at up to 10%, no benefit will be paid. Between 10 and 25%, a lump-sum compensation will be paid in lieu of the allowance, equal to four annual payments of the allowance to which the insured person would have been entitled. If declared to be permanently totally incapacitated as a result of an occupational disease, the insured person is granted a monthly income equivalent to 55% of his or her average wage. If declared to be permanently partially incapacitated, the insured person will receive an income calculated on the basis of the amount of income payable in the case of permanent total incapacity;

(b) Work accident means one that takes place when the worker is engaged in his daily work or carrying out an activity in order to perform that work, resulting in the diminution or loss of his work capacity;

(c) An occupational disease is one that develops slowly over time, caused by the action of harmful agents in the workplace.

147. The rate of contributions to finance occupational hazards cover is currently fixed at 1.5% of the employee's total remuneration, and is borne entirely by the employer.

148. Invalidity cover protects persons who as a result of ordinary illness or a non-occupational accident are unable to earn an income higher than 50% of the usual income earned by a healthy worker in the same geographical region. It

provides a monthly income to compensate for the disability established and certified by the medical board.

149. Old-age cover protects men over the age of 55 and women over the age of 50 who have paid contributions for at least 15 years, providing a lifetime monthly allowance equivalent to 30% of their average wage over the last six months plus a two per cent increment for every 12 months' contributions over and above the 180 months' qualifying contributions.

150. Death cover protects the beneficiaries of the actively or passively insured deceased person: the spouse or partner, children under the age of 16, parents and siblings, providing a widow's or orphan's allowance equivalent to 40%, 20% and 10% of the invalidity or old-age allowance received by the beneficiary or to which the deceased actively insured person would have been entitled under the same schemes.

The new pensions law

151. Cover may be short- or long-term; medical assistance, personal accidents and group life are examples of short-term cover, usually extending over a one-year period. Long-term cover is life assurance providing for a death benefit or a benefit on survival, normally in the form of a lifetime annuity.

152. Compulsory insurance schemes are those laid down by law, such as Compulsory Social Security (SSO), which includes normal risks, occupational risks and lifetime income cover, and compulsory traffic accident insurance (SOAT).

153. SOAT is an insurance scheme covering all motor vehicles travelling in the national territory, providing single uniform cover for injury caused by traffic accidents, whether to pedestrians, passengers or drivers. SOAT has no exclusions, that is to say, the insurance is payable in any situation, subject only to verification that death or injuries were in fact the result of a traffic accident; it covers medical expenses and compensation for death and permanent incapacity. SOAT provides for a total maximum insured sum, covering death, total permanent incapacity and medical costs, of 2,300 SDRs (special drawing rights) or the equivalent in dollars or national currency, calculated at the exchange rate prevailing on the day the claim is settled. The amount is equivalent to about US$ 3,000.

154. Compulsory long-term social security. The Superintendency of Pensions, Assets and Securities (SPVS) has conducted a massive campaign to raise public awareness of rights, obligations and benefits under the pensions scheme established by Law No. 1732 of 29 November 1996. Those affiliated to this system need guarantees that the SPVS will unfailingly ensure compliance with and proper application of the Law so as to ensure transparency in this area. The legislation provides that long-term compulsory social security shall include retirement, invalidity and death benefits.

155. The Pension Funds Administrators (AFPs) collect and administer affiliated persons' contributions and invest them to generate interest. Total contributions plus interest will constitute the contributor's accumulated capital for pension payment purposes. The monthly retirement pension contribution is 10% of the

wage; a monthly premium of two per cent of the wage covers invalidity and death arising out of ordinary accidents and illnesses. This is a joint mutually owned accidents fund independent of the AFPs. A monthly commission of 0.5% of the wage is payable to the AFP in respect of registration, collection of contributions and payment of pension benefits.

156. Employees contribute and receive benefits up to a maximum of 60 times the minimum wage (about Bs 18,000 at 31 December 1998). Self-employed workers have a minimum benefit of one national minimum wage (Bs 300) at the time of publication) and a maximum of 60 times the minimum wage.

157. Employees' contributions and premiums always belong exclusively to the workers and are kept separate from the AFPs' capital. Similarly, these resources cannot be attached by legal order.

158. When an individual account accumulates capital enabling the holder to finance a pension of at least 70% of the average of his last 60 wages regardless of his age, or when he reaches the age of 65, regardless of the amount of capital accumulated in his individual account, he will be entitled to draw the pension.

159. The AFPs may not retain any part of this capital for themselves. The compensation is awarded by the State through the Treasury General of the Nation and is paid by the AFP.

160. The contributor is entitled to a general risks invalidity pension when he becomes a permanent total invalid as a result of a non-occupational accident or illness, and draws an invalidity pension up to the age of 65. On reaching 65 he starts to draw a retirement pension based on the total amount in his individual account amassed through the contributions made before his invalidity and those made by the accident fund until the invalid reaches the age of 65.

161. The survivor's pension is paid when the contributor dies as a result of a non-occupational accident or illness. The surviving spouse receives a lifetime pension and the children temporary pensions until they reach the age of majority. If the contributor was unmarried and had no children, lifetime pensions are awarded to the parents and temporary pensions to siblings with entitlement. In addition, the accident fund makes a lump-sum payment of Bs 1,100 to cover the contributor's funeral expenses.

162. The invalidity pension is paid when the contributing employee is left a total or partial invalid as a result of an accident or disease resulting from his work, up to the age of 65. At that age he starts to draw a retirement pension based on the total sum accumulated in his individual account. That amount represents the contributions made before his invalidity and those made by the occupational risks fund while he was drawing an invalidity pension. Self-employed contributors are not eligible for the occupational invalidity pension and consequently pay no contributions to cover that contingency.

163. An occupational survivor's pension is paid to the survivor of an employee who dies as a result of an accident or disease arising out of his work. The surviving spouse receives a lifetime pension and the children temporary pensions. If the contributor was unmarried and had no children, lifetime

pensions are awarded to the parents and temporary pensions to the siblings with entitlement. In addition, the occupational risks fund makes a lump-sum payment of Bs 1,100 to cover the contributor's funeral expenses.

164. If the contributor dies without declaring other beneficiaries, the capital accumulated in his individual account passes to his estate, which is then distributed in accordance with the provisions of the Civil Code.

165. In no circumstances may the AFPs retain the capital accumulated in the contributor's individual account or the contributions made to the mutual accident and occupational risks funds.

Paragraph 4

166. At the end of 1979 and the start of 1980 the first symptoms of the economic crisis Bolivia was to undergo in the ensuing years were felt: symptoms that led to massive devaluations of the national currency, price inflation and all the consequences of the remedial economic measures subsequently taken.

167. In 1982 the promulgation of a Supreme Decree on Devaluation led to a worsening of the economic crisis and serious adverse effects on the social security system as a result of hyperinflation, with a considerable increase in the cost of provision of benefits in kind without any concomitant rise in contributions, whose value was constantly being eroded as a result of the devaluations.

168. In August 1985 Supreme Decree No. 121060 was promulgated, supplementing other provisions referring to two matters that affected and continue to affect the social security system, consolidated frozen wages contributions and relocation, with the abolition of bonuses and other income for employees (except the long-service bonus) which had previously provided a source of revenue for the system.

169. This situation prevailed until 1987, when major changes were introduced.

170. The deep crisis of the 1980s drew attention to the urgent need to implement economic and social stabilization policies to reflect Bolivia's transition to a market economy from 1985 onwards. The new stabilization measures were reflected in the social security system, and became operational following the adoption of Law No. 10924 of 14 April 1987, establishing the financing for the short- and long-term regimes.

171. The amendments currently being made to the Social Security Code raise the daily and monthly wage bases for the calculation of temporary incapacity allowances, and also the daily and monthly wage bases used in calculating long-term benefits. The amended Code introduces the minimum subsistence allowance, which must not be lower than the national minimum wage; and provides for the automatic annual adjustment of allowances on the basis of the index for the year.

172. The National Health Secretariat of the Ministry of Human Development disbursed US$ 99 million to the sector in 1995, US$ 97 million of which were funded directly from the public budget, accounting for 4.1% of the budget total.

The balance (US$ 42 million) reflected transfers, allowances and retirement pensions. The Treasury General of the Nation also contributed US$ 83,000 to the Ministry of Defence operational health budget for the purchase of medicines. In June 1995 resources earmarked for staff salaries were transferred to the departmental prefectures for execution at decentralized level. Despite a number of rigidities resulting from the structural adjustment process (coparticipation, external debt payment, project settlements), the national budget has increased its contribution to the financing of staff (18% growth in this line between 1993 and 1996).

173. Annex 1 contains statistical tables on the approved institutional budget and the health funds for the 1995-1999 financial years.

Paragraph 5

174. The Ministry of Health and Social Security, together with other public managerial bodies and State departments, is responsible for regulating public and private social security schemes drawn up by profit-making, non-profit-making and privately financed and administered enterprises and individuals in the formal and informal sectors; and for ensuring that they provide safe and effective services and that their staff are qualified. The private subsector comprises:

(a) The profit-making private sector. This includes provision of medical care and materials. Although the subsector is regarded as efficient, only an estimated 10% of the population use it regularly. The subsector is growing considerably in the cities and adapting well to socio-economic conditions in the districts in which it is gaining a foothold. However, an ongoing problem is the failure to take account of private medical schemes in the planning and organization of the health system, and the poor monitoring of such schemes: part of the resources they offer is absorbed by the health insurance schemes, and they are also subsidized to a significant extent by the public sector, as they make use of the public infrastructure in providing services;

(b) Non-profit-making private-sector services: NGOs are the most important actors in this category. There are a great many of them, and their level of activity varies considerably from district to district, depending on the poverty or affluence of the municipality and the local churches. Many are involved in health promotion; others provide services directly through agreements with the municipalities; while others again (such as Medicus Mundi, Médecins sans Frontières and Plan International) focus on supporting the services' and municipalities' efforts to develop their managerial and organizational capacities. A federation of health NGOs provides coordination at national and international levels;

(c) The National Health Insurance Institute (INASES), a decentralized public body with legal personality, autonomous management and its own assets operates under the auspices of the Ministry of Health and Social Security. The purpose of the Institute is to ensure compliance with the principles of efficiency, economy, sufficiency and opportunity in the short-term regimes. To this end it will be empowered to introduce, control and inspect the policies and rules established by the Ministry of Health and Social Security.

Paragraph 6

175. Pursuant to articles 10, 13 and 15 of S.D. No. 25265 of 31 December 1998, establishing Basic Health Insurance (SBS) to provide essential health benefits at national level, aspects of implementation such as adherence, persons insured, financing, administration, benefits and costs must be regulated to ensure efficient and effective execution. Chapter 1 covers adherence to the scheme, persons insured, affiliation and access. Chapter 2 regulates contributions and the benefits covered, specified in article 6 (Benefits), subparagraph 4, on treatment of women at national level under the SBS, including promotional, preventive and curative services to promote safe maternity and healthy infants and to avoid the most frequent complications associated with pregnancy, in the areas of infant health care, promotion of infant health and nutrition, treatment of infectious diseases including acute diarrhoeal diseases, acute respiratory infections, sepsis and meningitis, and vaccination.

Paragraph 6 (a)

176. Chapter 1 of S.D. No. 25265 covers adherence to the scheme, persons insured, affiliation and access:

(a) Article 1 (Adherence to the SBS):

"Municipal authorities shall extend SBS benefits cover to the population under their jurisdiction through the signature of an adherence agreement with the Ministry of Health and Social Security authorizing the latter to negotiate with the Ministry of Finance the automatic deduction of 6.4% of the 85% of the municipal coparticipation funds earmarked for investment, as a contribution to the local health compensation fund financed by the SBS."

(b) Article 2 (Persons insured under the SBS):

"The whole population of the country is insured and protected by the SBS within the benefits limit established in this Ministerial Resolution."

(c) Article 3 (Affiliation to the SBS):

"I. There is hereby established an SBS identity card and a register of persons affiliated for user identification and access to SBS benefits.

II. Municipal authorities that have signed the adherence agreement with the Ministry of Health and Social Security are responsible for ensuring that the population under their jurisdiction is affiliated upon promulgation of this Ministerial Resolution.

III. The Ministry of Health and Social Security, through its National Basic Insurance Management Unit and departmental health services (SEDES), shall be responsible for keeping the municipal authorities permanently supplied with registers and identity cards for insured persons.

IV. The municipal authorities may delegate affiliation and the supply of registers and identity cards to public health and social security

institutions, district health management teams, and, after prior agreement, to civil organizations forming part of the SBS services provision network."

(d) Article 4 (Access to SBS Services) provides:

"I. Access to the SBS shall be through the primary-level institution. In the absence of such services at local level, access may be through any establishment adhering to the SBS.

II. Patients may obtain access to second- and third-level care following referral by the primary-level institutions.

III. In case of emergency, provision of SBS benefits shall be immediate at all levels and shall not be subject to exclusions.

177. In Bolivia a conceptual distinction is drawn between short-term and long-term social security. The former consists of a range of health benefits provided by the National Health Fund and other occupational health funds, including sickness and maternity medical benefits. The beneficiaries of this system are contributors in the formal sector of the economy, that is, workers protected under the General Labour Law or else public employees. According to INE statistics for 1995, short-term social security covers 23% of the total population.

178. Long-term social security is a range of precautionary benefits including invalidity, old age, occupational hazards and death benefits. The pensions system is currently being reformed and converted from a joint capitalization to an individual capitalization system. In 1995, 18% of the population were covered by long-term social security.

179. The data for coverage are aggregated and no information disaggregated by categories such as gender or ethnic group is available.

Paragraph 6 (b)

180. The measures deemed necessary are a system for management of the SBS at national level in accordance with the parameters established in the management model for the Bolivian Health System, the guidelines laid down in the Strategic Health Plan (PES) and those established under the reform of the health system. Account must also be taken of experience gained in organizing and running the previous health system. In its operation the SBS must have a clear conception of its operational modalities and the various areas of management and levels of provision, and also of the relationship between them.

181. The Bolivian Health System promotes development at four levels: community family health teams; family health units; family health centres; and in the political framework of Basic Health Security.

182. It consists of:

(a) a central Planning, Monitoring and Evaluation Unit within the SBS National Management Unit, to be set up for this purpose under the Vice-Ministry of Health of the Ministry of Health and Social Security;

(b) departmental operational and administrative coordination units run by the SBS departmental management units, attached to departmental health services through their central structure and decentralized units in the health districts;

(c) the service providers referred to in article 8 of the Decree;

(d) the municipal authorities in their role of inspecting, financing and participating in the management of the local health compensation fund, and in their legal capacity.

183. Given the low coverage of the short-term social security system, the Government is taking policy measures to increase provision of basic health services to the population, the aim being to achieve universal coverage. Thus, it is implementing the SBS as a common insurance system organizing, regulating and financing a cost-effective package of primary health care benefits.

184. The results of the services provided by the SBS will be monitored over the next five years by the World Bank, its chief provider of financing.

185. Under the new individual capitalization system, the Pension Funds Administrators (AFPs), the institutions responsible for administration of long-term social security contributions, face the great challenge of extending long-term social security benefits to substantial sectors of the population working in the informal sector, thereby increasing coverage.

Paragraph 6 (c)

186. Article 6, subparagraph V of the Decree establishing the SBS provides for care of the population as a whole, including preventive and curative measures to improve sexual and reproductive health and curb diseases.

187. Persons not temporarily or permanently affiliated to a compulsory individual or collective scheme may join one of the existing health funds to gain access to short-term sickness, maternity and occupational hazards benefits.

188. The various funds have special rules concerning voluntary health insurance. The health fund fixes a monthly contribution equivalent to 10% of three times the minimum wage.

Paragraph 7

189. The rules set forth in the Social Security Code offer comprehensive health support to affiliated workers through the services they extend to the health funds (management bodies), that do not intervene in the framework of the SBS policy, which provides for free health care for all Bolivians throughout the various branches of the health sector.

Paragraph 8

190. International assistance provides technical and financial cooperation in provision of health insurance cover.

191. The last four years have seen technical cooperation with countries of the Andean region, the Southern Cone and other countries in the region. Technical and scientific exchanges have taken place with Argentina, Brazil, Colombia, Costa Rica, the Dominican Republic, Mexico and Peru, in the fields of epidemiology, traditional medicine, vector control, blood banks, hospital administration, health service maintenance systems, disaster prevention and mitigation, iodization of salt, organization of cancer units and plastic surgery and burns units, paediatrics, upgrading of housing, basic sanitation and sinking of wells, local authorities, health development in border areas and exchanges between traditional midwives.

192. From the standpoint of financing, external cooperation is divided into two major components, official and governmental. Official cooperation may be multilateral or bilateral. External cooperation funds for health take the form either of credits or of grants. Bolivia has various bilateral cooperation arrangements, inter alia, with the European Union, the United States of America, Japan and the Nordic countries.

193. International organizations such as the World Bank, WHO/PAHO,

UNICEF, USAID and NGOs provide cooperation and coverage in the health sector.

E. Article 10

Guidelines, article 10 of the Covenant, paragraph 1

194. Bolivia has signed a number of ILO Conventions, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the ILO Maternity Protection Convention, 1919 (No. 3) and the Minimum Age Convention, 1973 (No. 138). Pursuant to article 157 of the Constitution, work by minors in Bolivia is regulated by the provisions of chapter VI of the General Labour Law.

Convention on the Elimination of All Forms of Discrimination against Women

195. It was necessary to draft a specific convention to eliminate discrimination against women; this means, not that their rights were not recognized in the Universal Declaration of Human Rights, but that it was important to define them more fully in the Convention.

196. The United Nations raised awareness of the issue in response to women's demands, given that a very broad and diverse social movement had succeeded in making its presence felt in influential areas of the international organizations. Thus it was acknowledged that, all efforts notwithstanding, levels of discrimination against women remained alarming. The United Nations Decade for Women (1975-1985) promoted a process of standard setting whose focal point was the adoption and entry into force of the Convention between 1979 and 19[illegible]. This important international instrument summarizes and further refines the

advances made in international law to date, which, however, are still insufficient, as no binding mechanism exists to ensure compliance by States and the Convention is not yet sufficiently widely disseminated to enable it to be assimilated by all the different cultures of the world.

197. The Convention was adopted by the General Assembly on 18 December 1979. Bolivia ratified it by Law No. 1100 of 7 September 1989.

198. The Government of Bolivia officially confirmed and ratified ILO Convention No. 138 by S.D. No. 15549 of 9 June 1978, undertaking in accordance with paragraph 5 (d) of article 19 of the ILO Constitution to make effective each of its provisions with the exceptions provided for in articles 4 and 8 of the Convention. On 12 June 1980, by note verbale No. 129/0.3.1 of the Permanent Mission of Bolivia in Geneva, signed by the Ministry of Labour and Sustainable Development, it reaffirmed that undertaking. Pursuant to article 2, paragraph 1, of Convention No. 138, that note constitutes an official declaration by the Government of Bolivia that the Convention has been ratified in accordance with constitutional law by S.D. No. 15549 of June 1978, specifying that the minimum age for admission to employment is 14.

199. The Convention on the Rights of the Child was ratified in May 1990 and elevated to the rank of law (Law No. 1152).

Paragraph 2

200. In Bolivia the meaning and importance of the family are enshrined in various acts specifying rights, duties and obligations. The family may take various forms and the regulations governing it have varied over the years to reflect differing levels of culture, customs and ways of life. The purpose of the family is to ensure that the spouses can rely absolutely on one another, building a patrimony on the basis of their love.

201. The word "family" implies a structured union of the family group and its integral development: it is the place of origin par excellence, the most propitious forum for personal development, the basic cell of society and one of the principal factors in the promotion of prosperity in a climate of order and peace.

202. The family constitutes the most important intermediary between the system and the individual. As a product of society it is constantly exposed to influences arising out of the changes, transformations and crises it undergoes.

203. In Bolivia the family is fundamental to the transmission of morals and respect for the law from the parents to their offspring. It must comply with all decisions taken by the father and mother affecting the home and family.

204. The family is seen as a basic institution of society whose principal function is to impart social values to its members, especially children and adolescents, as a means of affording them protection. The family is subject to the cultural, social and economic influence of its social context.

Paragraph 3

205. Article 41 of the Political Constitution of the State provides that men and women shall attain citizenship at 18 years of age. They shall attain majority at the age of 21.

206. Article 41 of the Constitution establishes rights, duties and fundamental guarantees for individuals, their nationality and citizenship, providing that, regardless of their level of education, occupation or income, citizens of both sexes over 18 years of age shall remain minors until 21 years of age.

207. Unfortunately there are disparities of treatment in this regard. Thus, the Political Constitution of the State provides that young people of 18 years of age may exercise their rights as citizens; article 4 of the Civil Code establishes 21 as the age of majority. Persons who have attained the age of majority have the capacity to perform all acts of civil life on their own account. Article 44 of the Family Code provides that "males below the age of 16 and females below the age of 14 may not enter into marriage." The Labour Code fixes the minimum working age at 14, while the Code of Minors establishes no minimum working age. The Penal Code and the Code of Criminal Procedure fix the age of criminal responsibility at 16. These laws are currently being amended with a view to harmonizing them, bearing in mind that the Convention on the Rights of the Child, which ranks as a Law of the Republic, provides that a person shall be considered a child until the age of 18.

Paragraph 4

208. The 1967 Political Constitution of the State consolidated and strengthened the legal equality of the spouses, and of all the children before the law, regardless of origin and paternity, and expressly included special regimes, among them the family regime, on the basis of which the Family Code, which constitutes an important step forward in Latin American legislation, was drafted.

209. In recent years a series of statutory measures have been taken to protect the family; in particular, promulgation of the Violence in the Family Act, Law No. 1674, the creation of the Ombudsmen for Children and Adolescents, the establishment of integral legal services in the form of multidisciplinary teams to protect and promote family rights, and Family Protection Units of the National Police Force under the Ministry of the Interior.

Paragraph 4 (a)

210. Article 41 of the Family Code, Law No. 996 of 4 April 1988, treats matrimony not as a contract but as an institution of public law, providing that only civil matrimony celebrated in accordance with the requirements and formalities laid down in the Code shall be recognized in law.

211. This means that in order to enjoy the protection of law, the marriage ceremony must be performed by the civil registrar.

212. Bolivian legislation recognizes two types of marriage: civil and de facto marriage. Both are guaranteed by the Political Constitution of the State and the Family Code.

(a) Article 96 (Conjugal equality). "The spouses shall, in the interests of the family community and having regard to the personal situation of each, enjoy equal rights and duties in the direction and management of matrimonial matters, and in the upbringing and education of the children."

(b) Article 158 (Free conjugal union). "There shall be free or de facto conjugal union when the man and woman voluntarily set up home and live together in a joint, stable and exclusive union, subject to the requirements laid down with regard to age, mental health, previous marital status and consanguinity."

(c) Article 159. "Free or de facto conjugal unions of a stable and exclusive nature shall produce effects similar to matrimony with regard both to the personal and to the property relations of the cohabitants. The regulations governing the effects of matrimony may be applied to these unions to the extent that they are compatible with their nature, without prejudice to the particular rules applicable to civil matrimony."

(d) Article 160 (Indigenous pre-matrimonial arrangements and other de facto unions). "The foregoing provisions shall include indigenous pre-matrimonial arrangements such as tantanacu and sirwiñacu, de facto unions between indigenous persons and other forms of union practised in urban and rural centres."

(e) Article 161 (Reciprocal duties). "Fidelity, assistance and cooperation are reciprocal duties of the cohabitants."

213. As to the requirements for entering into matrimony, the Family Code lays down rules governing capacity to enter into a union and determines what existing relationships between the parties may constitute impediments to their entering into marriage. Such questions of capacity concern age (art. 44), consent and permission (arts. 53 and 54), mental health (art. 45), previous marital status (art. 46), the time that must elapse before a widow may remarry (art. 52) and termination of guardianship (art. 51). Article 88 cites impotence as grounds for annulment of the marriage. Consanguinity (art. 47), relationship by marriage (art. 48), kinship by adoption (art. 49) and criminal acts (art. 50) constitute impediments.

Paragraph 4 (b)

214. The family is protected by the Political Constitution of the State and the Family Code, whose legal regime defines kinship, assistance and the family patrimony. Article 1 provides that family relations shall be established and regulated by the Family Code. Article 3 states that members of the family shall be accorded equal treatment under the law, compatible with human dignity, within the hierarchy imposed by the structure of the family. The family, marriage and maternity enjoy the protection of the State (art. 4).

215. Article 158 of the Family Code recognizes the existence of free or de facto conjugal unions when, in the absence of impediments, the man and woman

voluntarily set up home and live together in a joint, stable and exclusive union.

216. Free or de facto conjugal unions, where stable and exclusive, produce effects similar to matrimony with regard to both the personal and the property relations of the cohabitants. The regulations governing the effects of matrimony may be applied to these unions to the extent that they are compatible with their nature, without prejudice to the particular rules applicable to civil matrimony.

217. Article 160 includes within the scope of the provisions indigenous pre-matrimonial arrangements such as tantanacu and sirwiñacu, de facto unions between indigenous persons and other forms of union practised in urban and rural centres.

218. As already mentioned, the family is protected and guaranteed in law, but the severe economic crisis Bolivia is undergoing has led to many families breaking up. The State has introduced a range of policies to support the family.

Paragraph 4 (c)

219. Measures already exist in the framework of the legislation alluded to previously.

Paragraph 5

220. Article 158 of the Political Constitution of the State provides that the State shall be obliged to defend its human capital by protecting the health of the population, and shall ensure the means of their subsistence and rehabilitation of the unemployed, and shall likewise promote improvements to family living standards. Social security regimes shall be based on the principles of universality, solidarity, unity of management, opportunity, economy, and efficiency, and shall cover the contingencies of sickness, maternity and family allowances in accordance with the Social Security Code and S.D. No. 22578 of 13 August 1990.

221. S.D. No. 05315 of 30 September 1959 states that the purpose of compulsory social security is to protect insured persons against the following contingencies: (a) benefits in kind for workers and their families in the event of sickness or maternity; (b) cash benefits, for workers only, in the event of sickness or maternity.

222. With regard to maternity protection, article 1 of Law No. 975 provides that during pregnancy and for one year following the birth of her child a woman shall enjoy protection against dismissal from her job in the public or private sector.

223. Maternity protection under the Social Security Code takes the form of benefits in cash and in kind. Cash benefits consist of allowances equivalent to 90% of the wage used as the basis for calculation of contributions (S.D. of 1 August 1985, art. 30). It is payable for six weeks before and six weeks after confinement, provided the beneficiary is in full paid employment. Benefits in kind include medical, surgical and hospital care before, during and after confinement and provision of medicaments. Insured women and the wives or

partners of insured men or of recipients of an annuity are entitled to these benefits.

224. The insured woman may take 90 consecutive days' leave, 45 before confinement and 45 thereafter. As the date of confinement cannot be predicted exactly, the period of antenatal leave may not amount to exactly 45 days; nevertheless, the period of postnatal leave is always 45 days. Thus, if the child is born prematurely the unutilized period is antenatal leave is forgone.

225. Law No. 975 of 2 May 1988 provides for employment stability for pregnant women. This freedom from dismissal is subject to the exceptions provided for in the General Labour Law.

Paragraph 5 (a) (i)

226. In its social regime, the Political Constitution of the State specifies that it is an obligation of the State to protect human capital. The scope of protection extends to any pregnant woman, whether or not insured, as laid down in the provisions of the General Labour Law and Social Security Code already cited.

227. The social security system secures the protection of pregnant women through family allowances, currently paid in the following forms:

(a) antenatal allowance, in the form of a monthly payment to insured or entitled pregnant women, in cash or in kind, equivalent to one national minimum wage, during the last four months of pregnancy, in addition to the temporary maternity incapacity allowance;

(b) birth allowance: one national minimum wage for each child born;

(c) nursing mother's allowance: provision of milk products or other products equivalent to one national minimum wage for each child during the first twelve months of life.

Paragraph 5 (a) (ii)

228. Article 31 of the General Labour Law states that the insured person shall be entitled to the maternity allowance for a maximum of 45 days before her confinement and for 45 days thereafter provided she performs no paid work during those periods.

Paragraph 5 (a) (iii)

229. Article 23 of the Social Security Code states that the insured person, his wife or partner, is entitled to the necessary medical assistance during pregnancy, confinement and puerperium.

230. S.D. No. 21637 of 25 June 1987 provides for the following cash benefits:

(a) antenatal allowance: in cash or in kind, equivalent to one national minimum wage, during the last five months of pregnancy;

(b) birth allowance: one national minimum wage for each child born;

(c) nursing mother's allowance: provision of milk products or other products equivalent to one national minimum wage for each child during the first twelve months of life.

Paragraph 5 (a) (iv)

231. Since the incorporation of the 1938 social regime in the Political Constitution of the State, and through the social and employment rights set forth in the General Labour Law, the Social Security Code and the Family Code, the population now enjoys access to free health services and other benefits.

232. In the event of the death of a child under 19 years of age qualifying as a beneficiary, a lump-sum payment of one minimum wage will be made to the mother to cover funeral expenses (S.D. No. 121637 of 25 June 1987, art. 25; S.D. No. 122578 of 13 August 1990, arts. 51 and 52).

Paragraph 5 (b)

233. S.D. No. 124303 of 24 May 1996, on maternity and child benefits, provides in its operative part that any pregnant woman in Bolivia and any child under the age of 5 is entitled to free medical care throughout the health system, whether provided directly by the Ministry of Health and Social Security or by the health administrations. The provider will invoice the service and will be paid by the local municipality. These maternity and child benefits comprise four antenatal checkups, vaccinations and medicines for the mother and baby, and also cover the first seven days following the confinement; for children under 5 years of age they cover acute diarrhoeal diseases and acute respiratory infections.

234. Chapter II, subparagraph IV, of the operative part of the draft ministerial resolution dated 27 April 1999, on provision of benefits to women, provides that all women are entitled to preventive, promotional and curative health care.

Paragraph 6

235. Work by children under 14 years of age is prohibited by the General Labour Law, except in the case of apprentices, who are subject to the arrangements and conditions governing practical teaching of a craft or trade, whether or not remunerated, with provision for a period of apprenticeship of no more than two years, with time off to attend school. Similarly, children under 18 years of age are forbidden to perform dangerous, unhealthy or unduly burdensome work, or to engage in work harmful to their morals. Persons under the age of 18 may work only during daylight hours.

236. These provisions are in accordance with the Code of Minors currently in force.

237. The protection of children in the context of employment is a basic objective of ILO and of the State.

238. Protection of children and promotion of their welfare is one of the fundamental priorities of State policy. The Child Assistance Programme (PAN) targets rural and urban children aged six and above. It provides care in the areas of pre-school initial education, growth and development, nutritional support and early learning, and is financed by the IDB and the World Bank.

239. Article 136 of the Code of Minors (Law No. 1403) prohibits children under the age of 18 from engaging in dangerous and unhealthy work and work harmful to their morals. Implementation is monitored by Ministry of Labour inspectors who are required to perform periodic inspections in factories and centres of employment to ensure compliance with this provision. It also empowers the departmental social services to draw up a register of working adolescents for the same purpose.

Paragraph 6 (a)

240. Article 58 of the General Labour Law determines the age limit, which is 14 years.

241. The General Labour Law and article 8 of the Labour Code permit any person over 18 years of age to enter into labour contracts.

242. Children over the age of 14 and under 18 years of age require authorization from their parents, guardians or the Labour Inspector in order to work.

243. Article 336 of the Code of Minors prohibits children under the age of 18 from engaging in dangerous and unhealthy work and work harmful to their morals.

244. The General Labour Law fixes the minimum working age at 14. While the Code of Minors sets no minimum age, the Workers Act prohibits a number of the worst forms of child labour.

Paragraph 6 (b)

245. In 1999 Bolivia's population was 8,137,113, of whom 1,592,051, or 19.5%, were children between the ages of 7 and 14. Of this group, 369,385 children were economically active.

246. According to statistics from the most recent (1992) Population and Housing Census concerning the labour force participation rate, i.e. the economically active population as a ratio of the total population, the indicators by age group are as follows:

(a) children (aged 7-9): the participation rate for children in this age group is 7.2% of the total population in this age group. In urban areas the figure is 1.6% and in rural areas 13.7%;

(b) adolescents (aged 10-19): the participation rate for adolescents in this age group is 26.6% of the total population in this age group. In urban areas the figure is 17.8% and in rural areas 40.1%.

Paragraph 6 (c)

247. The economically active child population between the ages of 7 and 14 is 70,057 in urban areas (mostly in the informal sector) and 299,328 in rural areas (agricultural work is seen as part of children's preparation for life), together totalling 369,385.

248. Minors who are obliged to earn a living for economic reasons are protected by the provisions contained in the General Labour Law and chapter VI of the Code of Minors.

249. A working minor is defined as one who carries on productive activities or provides material, intellectual or other services against any form of payment, or who performs agricultural work in the context of the community and/or the family for economic reward (art. 133).

250. The economically active child population consists of:

(a) unremunerated family workers:

(i) children aged 7-9: 53.3% of all children aged 7-9 are unpaid family workers (25.2% in the towns and 56.1% in rural areas);

(ii) adolescents aged 10-19: 22% of all adolescents aged 10-19 are unpaid family workers (4.2% in the towns and 34.8% in rural areas);

(b) self-employed workers:

(i) children aged 7-9: 37.0% of all children aged 7-9 are self-employed (25.2% in the towns and 38.4% in rural areas);

(ii) adolescents aged 10-19: 33.9% of all adolescents aged 10-19 are self-employed (14.9% in the towns and 47.5% in rural areas).

Paragraph 6 (d)

251. Guardianship is an institution to support and protect minors who are orphaned and the legally incompetent. It attempts to compensate for the absence of the parents by overseeing the minor's health and education and administering his or her property.

252. The Code of Minors regulates fundamental rights such as the right to life and the right to health. Under Title I, sole chapter, the State guarantees and protects the minor's right to life, health, maternal care and nurture, and provides for preventive health programmes, as well as special priority measures to protect disabled minors.

253. Three out of every four children under the age of 15 (76%) live with both parents. The proportion is slightly higher in rural areas than in the towns. At the other extreme, 5% of children under the age of 15 live with neither parent.

254. Oruro is the department with the largest proportion of children under 15 living with both parents, and Beni and Pando those with the lowest proportions (83 and 67% respectively).

255. The percentage of children under the age of 15 living only with the mother is much higher than the percentage living only with the father (14% and 3% respectively).

256. By poverty levels, there is a correlation between poorer municipalities and children living with both parents. The proportion of children under the age of 15 living with both parents ranges from 73% in less poor municipalities to 82% in the poorest.

257. Nationwide, 8% of homes have at least one adopted or foster child not living with its natural parents. In rural areas the figure is slightly higher (9%).

258. Title VI of the Code of Minors (Right to employment protection) extends equal protection to all children, with particular emphasis on areas such as minors working in an employed capacity and protection of minors working in the home. Orphans are under the protection of the State, which acts as guardian. There are a few reception centres providing orphans with technical training, but it has to be acknowledged that there are not enough centres to cover the whole population.

259. With regard to disabled children there is a legal framework (Disabled Persons Act) protecting workers; departmental committees have also been set up to protect disabled persons. In addition to the legislation on disabled persons' rights, policies are now being implemented to secure occupational rehabilitation and early integration in the labour market, particularly for those with mental disabilities.

Paragraph 6 (e)

260. The Code of Minors establishes the following rights of the child: the right to freedom, respect and dignity; the right to support and protection; and the right to education and culture.

261. Offices of the Children's and Adolescents' Ombudsman have recently been set up to promote children's and adolescents' rights in the municipalities. Given that the municipality is the citizen's first port of call, this measure has brought the institution closer to the community, thereby facilitating the promotion of all their rights.

Paragraph 6 (f)

262. Four inextricably linked factors can be singled out among causes and effects of child labour. The first, poverty, encompasses the others (overcrowded housing, very large families, poor levels of education, etc.). Other factors include migration, the quality of education and cultural factors such as the break-up of the family and dysfunctional families. Pursuant to the ILO Recommendation, the Ministry of Labour and Micro-enterprises will regulate child

labour through a strategic government plan, updating the General Labour Law and introducing a new Code of Minors and the Family.

263. Bolivia's poverty rate is one of the highest in Latin America, bringing social and economic consequences for the child population in the poorest districts of the commercial centres of Santa Cruz, Cochabamba and La Paz and mining cities such as Oruro and Potosí, where the poverty rate is highest.

264. The Government has drawn up a policy intended to meet the challenge of providing protection to the entire child population.

265. The living conditions of children in Bolivia are precarious, particularly in areas remote from the cities. The State seeks to identify children without family protection and to provide them with institutionalized health care, food and education. Children working in urban and rural areas are protected by the Code of Minors, which prevents their exploitation by public and private enterprises. Some work as newsboys on public transport, for which they receive a glass of milk for breakfast and other meals; others are self-employed, for example, as bootblacks. Most such children make a contribution to the family income.

266. In rural areas children work in the fields, assisting their parents and relatives with the sowing. While few are abandoned, social workers have identified alarmingly high rates of ill treatment of minors in rural areas.

267. Bolivia is currently witnessing a change in policies vis-à-vis protection of children, with a trend away from toleration of irregularities towards a doctrine of integral protection, chiefly manifested in changes to the legislation protecting children and adolescents, the setting up of the Vice-Ministry of Gender, Age-Related and Family Affairs, the establishment of the posts of Municipal Ombudsman, and a transfer of the administration of juvenile justice to the courts.

Paragraph 7

268. Work by minors in an employed capacity is regulated in chapter III, articles 139 et seq., whose provisions refer to the guarantees that the State, through the relevant mechanisms, accords to employed minors, including guarantees of employment rights, preventive health care and education, access to and assistance with schooling through allocation of shifts compatible with their interests, special timetables, the freedom to associate and participate in trade unions, and technical and vocational training. These provisions also regulate, inter alia, their rights to social security and annual holidays and their working hours, and prohibit night work by minors.

269. The maximum period minors are permitted to work in the home is eight hours a day, with breaks for rest and a special schedule enabling them to attend school (art. 151).

Paragraph 8

270. ILO is providing advice in this area, in the form of seminars, courses and workshops, to raise awareness on the part of the State, institutions and the general public of the need to regulate and adapt employment policies with a view to eradicating child labour.

Statistical summary of work accidents

Economic activity	1991	1992	1993	1994	1995
Agriculture, stockbreeding, hunting & fishing	618	424	255	285	397
Mining	250	299	299	343	407
Manufacturing	185	271	172	199	353
Construction	3	-	4	2	6
Energy, water & sewerage	35	25	58	65	64
Trade, restaurants, hotels	14	24	30	48	15
Banks and insurance	12	14	13	54	44
Transport and communication Services	184	185	253	331	499
	-	1	3	5	2
Total	1.301	1.243	1.087	1.332	1.787

271. The "United for our Rights" programme for the protection of children came about as a result of assistance from UNICEF representatives in Bolivia, and like all such major causes it brought together organizations and institutions working for children: the National Secretariat of Education, municipal authorities, UNICEF, the National Association of Private Schools, the Education Committee of the Bolivian Episcopal Conference, the Methodist Education Service, the National Adolescent Employment Coordinator, the Bolivian Rotary Club, the Social Communication Faculty of the Catholic University of Bolivia, the Social Studies Faculty of the Higher University of San Andrés, as well as major banking, publishing and media enterprises that offer disinterested support to the cause.

272. UNICEF is making every effort to follow up the initiative, so that during the next financial year the desire permanently to monitor the commitments and written undertakings given to Bolivia's children by the State and civil society can be transformed into reality.

F. Article 11

Guidelines, article 11 of the Covenant, paragraph 1 (a)

273. Information on standards of living derives from the Human Development Index, which basically measures income, education and life expectancy. There are marked discrepancies between the economic and social indicators from department to department. Thus, in Santa Cruz the index is 0.62, in Potosí 0.32.

274. Among the departments, Chuquisaca has an average index of 0.389 for 24 municipalities with a population of 294,948, about 90% of whom live in extreme poverty, lacking the basic necessities of life. La Paz department has an

average index of 0.37 for 37 municipalities with a population of 396,898, more than 95% of whom live in extreme poverty. In Cochabamba the index for 300,000 people is below 0.4. In its poorest municipalities, Arque and Tacopaya, the indices are 0.26 and 0.20 and 97% of the population live in extreme poverty.

275. In Oruro department 94,489 persons live in areas where the average index is 0.37 and the extreme poverty rate 94%. The remainder of the population with an index below 0.4 is concentrated in the departments of Tarija (34,904), Santa Cruz (14,803), Pando (6,850) and Beni. Their numbers are fewer and their plight less dramatic than in other departments.

276. In terms of the poverty index calculated by the Ministry of Human Development, the 12 poorest of the country's 111 provinces have poverty indexes of between 56.1 and 70.0%; those ranking next lowest (13 to 62 in the table) have indexes of between 42.1 and 50.0%; the provinces occupying the 63rd to 91st places in the table have indexes of between 28.1 and 42.0%. The less poor provinces, ranking 92nd to 109th, have indexes of between 14.1 and 28.0%; and in the provinces ranking 110th and 111th the figure is between 0% and 14.0%.

277. Low food consumption and low expenditure on food are more of a problem among low-income groups.

278. Studies and surveys on actual consumption in various areas of the country show per capita daily calorie intakes of 1,300 Kcal or less. Low rates of first-class protein consumption are to be found, especially on the fringes of towns and in rural areas.

279. A comparative survey of household expenditures in the cities of La Paz, El Alto, Cochabamba and Santa Cruz carried out in the framework of the 1990 budget revealed that in El Alto the highest proportion of expenditure (61%) is devoted to food and beverages and the lowest (2%) to health. Also noteworthy is the low expenditure on education (3%).

280. Cochabamba spends more than other cities on health and education. Santa Cruz spends most on clothing, household goods and transport. La Paz devotes a significant proportion of expenditure to culture and entertainment.

281. According to the 1992 Follow-Up Food Consumption Survey (ESCA), monthly expenditure on food in the rural areas of La Paz department is Bs 204; daily purchases amount to 752 grammes or 1,590 Kcal.

282. The minimum wage in Bolivia is approximately US$ 50 per month and the average per capita income 3.5 minimum wages. A typical family of five thus has a monthly income of US$ 175.

Provinces by order of poverty index

N°	PROVINCE	DEPARTMENT	N°	PROVINCE	DEPARTMENT
1	Abuna	Pando	57	Manco Kapac	La Paz
2	Arque	Cochabamba	58	Hernando Siles	Chuquisaca
3	Tapacarí	Cochabamba	59	Enrique Baldivieso	Potosí
4	Charcas	Potosí	60	S. Sandoval	Santa Cruz
5	Franz Tamayo	La Paz	61	Luis Calvo	Chuquisaca
6	Bolívar	Cochabamba	62	Guarayos	Santa Cruz
7	Muñecas	La Paz	63	Nor Chichas	Potosí
8	Chayanta	Potosí	64	Ingavi	La Paz
9	Alonso Ibáñez	Potosí	65	Sud Yungas	La Paz
10	Bautista Saavedra	La Paz	66	Ballivian	Beni
11	Azurduy	Chuquisaca	67	Atahualpa	Oruro
12	Gral. Bilbao	Potosí	68	Esteban Arce	Cochabamba
13	Camacho	La Paz	69	Nor Lipez	Potosí
14	Zudáñez	Chuquisaca	70	Capinota	Cochabamba
15	Nor Cinti	Chuquisaca	71	Arani	Cochabamba
16	Mizque	Cochabamba	72	Litoral	Oruro
17	San Pedro de Totora	Oruro	73	Chapare	Cochabamba
18	Pacajes	La Paz	74	Manuel María	Santa Cruz
19	Ayopaya	Cochabamba	75	Caballero	Santa Cruz
20	Loayza	La Paz	76	Velasco	Beni
21	Gualberto Villarroel	La Paz	77	Iténez	Santa Cruz
22	Saucari	Oruro	78	Ichilo	Beni
23	Los Andes	La Paz	79	Mamore	Beni
24	Moxos	Beni	80	Yacuma	Tomas Barrón
25	Cornelio Saavedra	Potosí	81	Tomás Barron	Rafael
26	Sud Cinti	Chuquisaca	82	Rafael Bustillo	Bustillo
27	Tomina	Chuquisaca	83	Vallegrande	Santa Cruz
28	Marban	Beni	84	Florida	Santa Cruz
29	Yamparaes	Chuquisaca	85	Antonio Quijarro	Potosí
30	Nor Carangas	Oruro	86	Mejillones	Oruro
31	Carangas	Oruro	87	Daniel Campos	Potosí
32	Manuripi	Beni	88	Poopo	Oruro
33	Gral.J.Manuel Pando	La Paz	89	Arce	Tarija
34	Carrasco	Cochabamba	90	Cordillera	Santa Cruz
35	Sud Carangas	Oruro	91	Nicolás Suárez	Pando
36	Aroma	La Paz	92	Germán Jordán	Cochabamba
37	Sajama	Oruro	93	Punata	Cochabamba
38	Inquisivi	La Paz	94	Vaca Diez	Beni
39	O' Connor	Tarija	95	Sarah	Santa Cruz
40	Omasuyos	La Paz	96	Modesto Omiste	Potosí
41	Challapata o Avaroa	Oruro	97	Warnes	Santa Cruz
42	Sebastián Pagador	Oruro	98	Gran Chaco	Tarija
43	Ladislao Cabrera	Oruro	99	Sud Chichas	Potosí
44	Madre de Dios	Pando	100	Chiquitos	Santa Cruz
45	Sud Lipez	Potosí	101	Pantaleón Dalence	Oruro
46	Ñuflo de Chávez	Santa Cruz	102	Quillacollo	Cochabamba
47	Campero	Cochabamba	103	Obispo Santiesteban	Santa Cruz
48	José María Linares	Potosí	104	Tomás Frías	Potosí
49	Gral. Federico Román	Pando	105	Oropeza	Chuquisaca
50	Avilés	Tarija	106	Cercado	Beni
51	Belisario Boeto	Chuquisaca	107	Cercado	Oruro
52	Tiraque	Cochabamba	108	Germán Busch	Santa Cruz
53	Méndez	Tarija	109	Murillo	La Paz
54	Larecaja	La Paz	110	Cercado	Tarija
55	Abel Iturralde	La Paz	111	Cercado	Cochabamba
56	Nor Yungas	La Paz	112	Andrés Ibáñez	Santa Cruz

Source: Ministry of Human Development, 1993.

Prepared by: Department of Economic Analysis, Ministry of Agriculture, Stockbreeding and Rural Development.

Average national food consumption (kcal per capita)

Region	Consumption	Recommended	Shortfall	Consumption %	Shortfall %
Altiplano	1610	2254	-644	71.4	-28.6
Valle	1845	2249	-404	82.0	-18.0
Trópico Santa Cruz	1805	2247	-442	80.3	-19.7
Trópico Beni	1759	2247	-488	78.3	-21.7
Chaco	1627	2244	-617	72.5	-27.5
National av.	1729	2248	-519	76.9	-23.1

Source: Social Policy Analysis Unit (UDAPSO); PROVIAN; Consultancy.

Structure of household expenditures, 1990, by department (%)

Expenditure on:	La Paz	El Alto	Cochabamba	Sta. Cruz	Average
Food & drink	45.3	60.9	44.1	41.6	47.9
Clothing, footwear	8.0	7.4	7.3	9.4	8.0
Housing	8.5	7.4	8.3	8.0	8.1
Household goods	8.5	4.1	8.0	9.0	7.4
Health	4.4	2.1	5.0	4.3	4.0
Transport & communications	11.4	10.1	13.1	14.1	12.2
Education	4.7	2.6	5.5	5.3	4.5
Culture & entertainment	4.9	2.6	4.1	3.6	3.8
Miscellaneous	4.3	2.8	4.6	4.8	4.2

Source: INE, EPF, 1994.

283. Where both husband and wife work, the average family income is US$ 350 per month. However, the monthly cost of a standard basic basket of goods for a family of five amounts to US$ 175 for food alone, providing a daily per capita intake of Kcal 2,250. This means that only US$ 175 are available for expenditure under the other headings in the table above.

Paragraph 1 (b)

284. This is the first time a report on the rights contained in article 11 has been submitted.

Paragraph 1 (c)

285. A poverty line is set in the "Poverty Map - a Guide for Social Action" (UDAPSO, UDAPE, INE, UPP, 1993).

286. The criterion for defining the poverty line is poverty relative to the standard of living prevailing in any given community (Altimir, 1979). Thus, the benchmarks for relative and absolute poverty may not be mutually incompatible, and may overlap (Senso, 1981).

287. The human needs reflected in this index fall under four major headings: housing, basic amenities and inputs, education, and health and social security.

288. The proportion of the population of school age that does not attend a formal education establishment is 21.1%. Thirty per cent of the population over the age of six has some level of basic education, 28.5% some lower secondary education, 23.1% some intermediate secondary education, and 13.9% some higher education. Those speaking only Spanish account for 58.4%, and 37.6% habitually use Spanish and an indigenous language.

289. The labour force participation rate is 41.3%; in rural areas it is higher; 50.6% of the population of working age constitute the nation's labour force. The bulk of the economically inactive members of the population of working age are students (38.3%). The urban population living below the poverty line is to be found in services (36.5%), trade and transport (28.3%), and, in rural areas, in services (36.8%) and agriculture (33.3%).

290. Economic activity in the agricultural sector over the period 1988-1996 consisted of crop cultivation (66.18%), stockbreeding (27.90%) and forestry, hunting and fishing (5.92%).

291. Peasant agriculture accounts for 75% of agricultural GDP, chiefly on the Altiplano and in the valleys, on smallholdings (minifundios) that are home to about 700,000 peasant families. Commercial agriculture accounts for the remaining 25%, and is concentrated in large farms in the thinly populated east of the country.

292. In 1997 the poorest 40% of homes accounted for 11.5% of national income. This information derives from the 1997 National Employment Survey and is based on the capital cities and El Alto.

293. The average poverty line for urban areas is US$ 59. It has been calculated independently for each of the cities constituting the country's central axis (La Paz, Cochabamba and Santa Cruz) on the basis of the components of the basic food basket. These cover average needs and are adjusted in line with the consumption patterns of a reference tranche. The information on consumption patterns derives from the 1990 Family Budget Survey.

Paragraph 1 (d)

294. A study carried out by the Ministry of Human Development in 1993 established a poverty indicator, concluding that 70.5% of the total population may be classified as poor (about 4 million people, half of them living in poverty and half in extreme poverty). Consequently, Bolivia is among the most backward countries of Latin America, ranking 116th of a total of 175 countries included in the Human Development Report, 1998, with a human development index of 0.593, ranking only higher than countries such as Haiti, Honduras and Nicaragua in the Americas and the Caribbean.

295. As regards rural areas, according to this indicator 95% of the rural population, or 2.3 million people, may be classified as poor. According to the "basic needs not met" index for 1992, 26% of the rural population lived in poverty and 69% in extreme poverty, with only 5% living above the poverty line.

Paragraph 2 (a)

296. A consequence of the prevailing extreme poverty is the high rate of food insecurity in rural areas. Per capita food production for the country as a whole is 1,880 calories per day, and average calorie consumption 1,729 calories, resulting in high rates of malnutrition, as high as 37% among rural children under three years of age (INE, 1994).

Paragraph 2 (b)

297. Bolivia formerly had a Nutritional Epidemiological Monitoring System (SVEN) which provided information on the nutritional state of the population. SVEN is currently being absorbed into the National Health Information System (SNIS).

298. On the basis of the information provided by SVEN, efforts have been made to quantify the nutritional status of the population by geographical areas in a document entitled "Bolivia: Malnutrition Chart, 1990-1992". This document provides a geographical breakdown of the nutritional status of the population under five years of age in terms of weight/age and height/age ratios, by department and province. Its main findings are set out in Annex 2. The department of Potosí suffers the highest incidence of malnutrition, with almost one quarter of its provinces showing malnutrition rates higher than the national average among children under five years of age.

299. Further information on malnutrition in Bolivia is to be found in the 1989, 1994 and 1998 National Demographic and Health Surveys (ENDSA), from which it can be seen that the population under three years of age has a variable nutritional profile in terms of the weight/age ratio, with malnutrition increasing in 1994 but falling substantially in 1998.

MALNUTRITION RATES	1989	1994	1998
Among children under 3 years old	13.3	15.7	9.5

Source: ENDSA.

Paragraph 2 (b) (i)

300. No information is available on the situation of groups listed in this paragraph.

301. In terms of the weight/age indicator, Bolivia has one of the highest incidences of malnutrition in Latin America. In 1992 the rate was 37.7% for children under the age of five. In other terms, for every ten well-nourished children, six suffer from some degree of malnutrition.

302. The rate of malnutrition remained constant over the years 1990-92, at 35.5%, 36.0% and 37.7% respectively.

303. The rate of moderate to severe malnutrition in children under the age of five was 11.1% in 1990, 11.4% in 1991 and 12% in 1992. The mortality rate for this age group was 2.4% in 1990 and 1991, and 2.2% in 1992.

Paragraph 2 (b) (ii)

304. Efforts are being made to obtain up-to-date information on the situation of men and women in this regard.

Paragraph 2 (b) (iii)

305. Similarly, efforts are being made to obtain up-to-date information on changes over the past five years.

Paragraph 2 (c)

306. There have been no changes in national policies, laws and practices negatively affecting access to adequate food by the most vulnerable and poorest groups. On the contrary, the Government, and in particular the Ministry of Agriculture, Stockbreeding and Rural Development, is seeking to eradicate the root causes of rural poverty; to create social, technological, health, infrastructure and market conditions to sustain and increase the rural sector's social and economic contribution to GDP; to ensure that sectoral growth policies focus on sustainable development; and to support agricultural exports as a means of earning foreign exchange.

Paragraph 2 (d)

307. Between 1983 and 1987 food security was coordinated, consolidated and managed by the then Ministry of Planning and Coordination through the Directorate of Social Planning and Global Policy, which performed the role of an ad hoc technical secretariat for implementation of a National Food Security System (SNSA). A National Food and Nutrition Council (CONAN) drawn from nine ministries of State was also set up, to take policy decisions and oversee implementation of the SNSA. However, these activities were not enshrined in any regulatory legal framework.

308. Following a government decision, coordination, consolidation and management of food security were transferred to the Ministry of Rural and Agricultural Affairs with a view to creating an institutional framework to promote better food security in Bolivia. A National Council for Food Security (CONALSA) was set up to implement the tasks entrusted to the Ministry, but was abolished following the 1997 organizational reform of the Executive.

309. The efforts to create a National Food Security System and develop its two main components, namely, the National Food Plan and an institutional organization chart, have met with a number of advances and setbacks since the adoption of Decision No. 182 of the Board of the Cartagena Agreement, and at the Eighth Meeting of the Committee on World Food Security the Director-General of the Food and Agriculture Organization of the United Nations (FAO) took stock of the results and proposed a review of the whole concept of world food security and its component elements, with emphasis on two basic aspects: (a) problems of universal access to minimum nutritional standards, and (b) non-cyclical short-

term problems, to which agricultural production is particularly prone, and structural problems causing chronic supply shortages and the persistence of population groups whose incomes are systematically insufficient to meet their basic nutritional needs.

310. During the Thirty-sixth Extraordinary Session of Ministers of Agriculture, held in Caracas on 25 July 1983, the Commission of the Cartagena Agreement approved Decision No. 182 establishing the José Celestino Mutis Andean System on Agriculture, Food Security and Conservation of the Environment.

Paragraph 2 (e)

311. Since the 1980s there have been qualitative changes in Bolivian agriculture resulting from the following measures:

- increased use of improved and certified seed and fertilizers;
- implementation of irrigation projects through the National Irrigation Programme;
- introduction of alternative development projects to replace coca leaf cultivation;
- implementation of new technologies, and of programmes such as CONALSA, the Food Security Support Programme (PASA) and the FAO Special Food Security Programme (PESA).

312. The use of certified and improved seed is one of the most important qualitative changes in Bolivian agriculture. In 1980 production was 194 metric tonnes; in 1997 it had risen to 43,155.13 metric tonnes of certified seed: beans, broad beans, cotton, fodder, garlic, green vegetables, maize, potatoes, quinua, sorghum, soya beans, sunflower, wheat, etc. The use of certified seed has clearly contributed and continues to contribute to improving crop yields.

313. The increase in the area under irrigation and the Government fertilizer programme have raised awareness among small and large producers of the advantages of the use and proper application of these programmes and methods.

314. Implementation of new technologies suited to local conditions, such as production of certified seed, irrigation and the fertilizer and post-harvest programmes, have led to improvements in agricultural production, though not yet to optimum level. The Altiplano has seen innovations on a smaller scale, such as the introduction of hothouses and "solar tents", installations that have undoubtedly helped improve dietary standards and cushion food supply problems, as they eliminate the sudden temperature fluctuations characteristic of the region.

315. Most food producers are peasant families using traditional methods in the Altiplano, the valleys and newly settled areas. They grow potatoes, vegetables, wheat, quinua, barley, white and yellow maize in the cold and temperate zones. In the tropical and semi-tropical regions they are the chief producers of rice, coffee, fruit, yucca, beans and kidney beans.

316. Most peasants are not organized into larger-scale units for purposes of production, marketing or acquisition of inputs.

317. In the framework of the human settlement programmes in the east of the country, land has also been provided for foreign settlers (Mennonites, Japanese, Brazilians of Russian stock) farming medium-scale holdings. The Mennonites grow soya, maize and wheat in winter and engage in arable and dairy farming. The Japanese mainly grow soya and rice and go in for poultry farming. The latter are almost exclusively growers of rice. All are much more highly mechanized than medium-scale farmers of Bolivian origin.

318. In recent decades a group of medium- and large-scale commercial farmers and agribusiness entrepreneurs has emerged, mainly in the east of the country. The medium-scale holdings (100-200 hectares) tend to specialize in production of sugar cane, cotton, dairy produce, grapes, yellow maize, poultry, sorghum and groundnuts. The larger holdings (200-50,000 hectares) are mainly devoted to soya bean and cattle farming.

319. In conclusion, in terms of daily calories the peasant farmers produce slightly more than 50% of the food consumed in Bolivia, with imports accounting for between 25 and 28% and the remainder supplied by the domestic commercial and agribusiness sectors.

Paragraph 2 (f)

320. The principal measure taken to disseminate knowledge of the principles of nutrition is the National Food Security Plan (PLANSA), which is inspired by the general principles governing the General Economic and Social Development Plan (PGDES). It has been disseminated by the prefectures and municipalities through information campaigns at all levels.

Paragraph 2 (g) (i)

321. At present, at the request of the Eastern Chamber of Agriculture (CAO), the National Institute of Agrarian Reform (INRA) Act (Law No. 1715 of 18 October 1996) is in the process of being redrafted.

Paragraph 2 (g) (ii)

322. For all its omissions and contradictions, the INRA Act seeks simultaneously to meet the objectives of efficiency, equity and environmental sustainability, to the extent that an agrarian structure largely based on small and medium-scale holdings can be directed and consolidated.

323. More than two years after the promulgation of INRA, there has been no change in the situation with regard to the reorganization and registration of lands since the measures taken in 1993, so that legal uncertainty still persists concerning land ownership, a situation that is leading to attacks on owners of land, both peasants and large landowners, in sensitive areas of the country. Illegal occupation of lands continues to be an underlying problem even in the protected areas.

324. Consequently the provisions of INRA are not being implemented as rapidly as could be desired, because of the magnitude of the problems that have accumulated over 40 years of inefficient agrarian reform, which pose a difficult challenge as a result of the large number of superimposed legal conflicts, a lack of the economic resources, qualified staff and efficient administrative mechanisms needed to draw up the land register and effect the reorganization, and also other problems resulting from political and social pressures at departmental and national levels.

325. The extreme disparity in the size of land holdings in Bolivia leads to environmental problems through over-exploitation of basic productive resources. Policies to raise the efficiency of production will help improve conservation of natural resources and also alleviate the social inequality and rural poverty that result from unproductive land and soil degradation.

326. As for the impact of the INRA Law on the establishment of settlements in the frontier areas, the CAO has drawn attention to the fact that agriculturally productive land is very scarce in these areas, with the exception of forest resources and biodiversity, as externalities make it difficult to convert forests to agriculture and stockraising.

327. Agrarian reform programmes must be seen as integrated operations that make available to the beneficiaries not only land but also the other factors necessary for agricultural activity; as land is implicitly linked to agricultural and rural activity, a reform of agricultural structures must be accompanied by support services such as credit, inputs, extension and marketing if it is to have any real chance of success.

328. The process of agrarian reform has given rise to serious conflicts concerning the occupation and ownership of land, on such matters as restrictions on the use and ownership of land, insecurity of land tenure, inequality of land tenure, minimal or zero participation by peasants and communities in agricultural planning and rural development, flight from the land, and excessive parcellation.

329. One of the most severe problems affecting the peasants is the minifundio system. Around Lake Titicaca, land holdings are measured not in hectares but in strips. During the seventies and eighties the subdivision of land in the Altiplano led to the creation of an average of 16,000 new minifundios a year.

Occupation and use of land

Size (ha.)	Area (ha.)	%	Agricultural	%
less than 1	26,300	0.1	85,300	27.1
1 - 2	65,500	0.3	51,100	16.2
2 - 5	231,000	1.1	78,200	24.9
5 - 10	243,600	1.1	37,100	11.8
10 - 50	824,000	3.6	39,400	12.5
50 - 100	661,000	2.9	11,400	3.6
100 - 500	1.266,800	5.6	6,300	2.1
500 - 5,000	8.302,800	36.6	5,100	1.6
over 5,000	11.047,800	48.7	700	0.2
Total	22.670,300	100	314,600	100

Source: Ismael Montes de Oca, 1997.

Paragraph 2 (h)

330. In order to guarantee stable food supplies the Government has submitted to the Consultative Support Group for Bolivia a strategy for the transformation of agricultural production, as part of the General Social and Economic Development Plan whose objectives are economic growth, social equity, rational use of natural resources and governability. Its key components are: promotion of a technological leap in a context of sustainable use of natural resources; increased investment in human development, especially in rural areas; access to markets; and rural financing. It also aims to increase food security; improve availability of and access to food for the majority of the population; secure the participation of majority sectors, particularly the rural population, marginalized town-dwellers and peasant women; implement strategies for the recycling and sustainable management of natural resources; rectify the historical shortfall in public investment in agriculture, technology (research, capacity building, extension), infrastructure and social services (education and health); and lastly, to boost labour adjustment strategies in rural areas through a decentralized rural micro-industrialization process.

331. This strategy was recently adopted by the Consultative Support Group for Bolivia following negotiations and the Government will now endeavour to provide 44% of the investment required to implement the strategy.

332. Through the Ministry of Agriculture, Stockbreeding and Rural Development the State is making efforts to implement programmes such as the Food Security Support Programme set up under an agreement with the European Union, and is strengthening the institutional framework with a view to supporting implementation of the National Food Security Plan. There is also the Special Programme of Food Production for Food Security prepared in cooperation with FAO, designed to reduce food insecurity and rural malnutrition through implementation of a pilot scheme using production technologies and developing sustainable solutions to increase production. The programme includes fertilizer, crop evaluation and improvement and post-crop projects, and a communications project.

333. Fishing and aquaculture are also being developed through a project to promote sustainable concerted development of production in the sector through exploitation of the fishing potential of Bolivia's three hydrographic basins. The National Programme for Integrated Pest Management aims to perfect technology in this field and promote sustainable increases in yields, improve quality and reduce contamination resulting from excessive use of pesticides.

334. A foot and mouth disease control programme is also being implemented as part of the efforts to improve stockraising, promote the availability of animal protein and contribute to improving food security in depressed areas and competitive access to external markets.

335. The programme for the control and eradication of tuberculosis and bovine brucellosis will also help alleviate the nutritional deficit in high-quality fresh dairy produce.

336. There are also plans to implement a programme for the control and eradication of avian salmonella to guarantee the availability of white meat and

egg protein, with a view both to reducing food insecurity and to gaining access to international markets.

337. The National Association of Wheat Producers' Five-Year Plan provides for a 183% increase in the area of wheat under cultivation between 1994 and 1999, with a target of 150,000 hectares in 1999 and a yield of 1.83 metric tonnes per hectare, which will make it possible to meet 65% of domestic demand until the year 2000.

338. In order to facilitate access to markets, the Government is endeavouring to conclude bilateral and integration agreements with other countries with a view to extending the market.

Paragraph 3

339. The vast majority of the population of Bolivia live in housing that does not meet minimum standards of habitability. Poor-quality construction, high rates of overcrowding and a lack of basic amenities are the main problems affecting the majority of homes.

340. Nationwide, housing problems of various kinds affect at least eight out of every ten homes. The basic problem is the quality of existing homes and the slow pace of construction of new homes.

341. One quarter of all homes combine all the problems of habitability, lacking basic amenities such as access to mains water, sewerage and electricity. In 65% of homes, more than three people share the same bedroom.

342. In urban areas the main problems are lack of drainage and overcrowding, which affect half of all families living in towns. In rural areas none of these problems occurs in isolation, with inadequate amenities, overcrowding and poor-quality construction affecting 80% of peasant homes. In addition, most Bolivian homes are faced with legal uncertainty as to tenure, owing to the absence of property deeds for the land and buildings they occupy.

343. Failings in the social infrastructure, such as inadequate public services, policing, pedestrian and vehicular access, safety and cleansing are problems in the shanty towns and rural communities.

344. However, a human settlement is not merely a plot of land. It also implies a social and physical space where individuals may socialize and which is itself individualized. Thus the residents have control over their living space and can confer a symbolical structure upon it which enters the collective memory. Information on housing from the gender perspective is to be found in annex 1.

Paragraph 3 (a)

345. The following tables provide statistics on the most important aspects of housing in Bolivia:

Private occupied homes by category

Description	Total	%	Urban	%	Rural	%
Detached house	1,075,752	74.46	556,083	68.92	519,669	81.45
Apartment	43,770	3.03	42,220	5.23	1,550	0.24
Separate room, slum dwelling	218,069	15.09	191,823	23.78	26,246	4.12
Shack, Pahuichi	89,965	6.23	6,273	0.78	83,692	13.12
Inadequate dwelling	8,239	0.57	5,089	0.63	3,150	0.49
Improvised home	9,022	0.62	5,327	0.66	3,695	0.58
Total	1,444,817	100.0	806,815	100.0	638,002	100.0

Source: 1992 Census.

Private occupied homes by tenancy status

Description	Total	%	Urban	%	Rural	%
Owner-occupied	946,761	65.53	405,978	50.32	540,783	84.76
Rented	236,946	16.40	213,984	26.52	22,962	3.60
Antichresis contract	45,929	3.18	44,827	5.56	1,102	0.17
Mixed contract	2,423	0.17	1,675	0.21	748	0.12
Transferred for services	85,200	5.90	39,723	4.92	45,477	7.13
Transferred through family	116,667	8.07	92,545	11.47	24,122	3.78
Other	10,891	0.75	8,083	1.00	2,808	0.44
Total	1,444,817	100.0	806,815	100.0	638,002	100.0

Source: 1992 Census.

Private occupied homes by number of occupants

Description	Total	%	Urban	%	Rural	%
No overcrowding, 2 occupants per room	850,199	58.84	475,883	58.98	374,316	58.67
Some overcrowding, 2-4 occupants per room	405,808	28.09	224,488	27.82	181,320	28.42
More than 4 occupants per room	188,810	13.07	106,444	13.19	82,366	12.91
Total	1,444,817	100.00	806,815	100.00	638,002	100.00

Paragraph 3 (b)

346. Detailed information about groups within society that are vulnerable and disadvantaged with regard to housing is provided below.

Paragraph 3 (b) (i)

347. Sixty-nine per cent of the population of Bolivia are owner-occupiers; the remaining 31% live in housing rented under ordinary, antichretic or transfer contracts. Of an estimated population of 8 million, 2.48 million individuals, the equivalent of 620,000 families, are without a home of their own.

Paragraph 3 (b) (ii)

348. Taking construction materials as the criterion for measuring housing quality, a home is regarded as of poor quality when its floors are of earth and its walls of unplastered brick. In Bolivia 37.3% of homes have earth floors, so that 2.96 million individuals, or 740,000 families, live in poor-quality housing, and the same number in inadequate housing without access to basic amenities.

Paragraph 3 (b) (iii)

349. Illegality, or rather the absence of title to property, has become one of the major problems facing the Bolivian population, especially the poor. It is estimated that this problem affects about 50% of families, with about 700,000 of the country's 1,444,817 families living in "illegal" housing.

Paragraph 3 (b) (iv)

350. Evictions of families and individuals from their housing usually occur only sporadically, and the social legislation is being updated in this regard. For instance, the Office of Rental Property Rights and Obligations, set up in March 1999, will be responsible for preparation of a draft housing bill.

Paragraph 3 (b) (v)

351. Between 10 and 20% of family income is needed to meet housing expenses. As property is expensive and rents high, the number of families whose expenses exceed the affordability limit is 1.6 million, or more than 20% of the population.

Paragraph 3 (b) (vi)

352. There is no waiting list for accommodation. As access is regulated by market conditions, those with the most resources can gain access to housing through a private credit institution. At present there is a shortfall of over 250,000 units of accommodation, and the Government has begun to develop a New Housing Policy, including the National Housing Subsidy Programme (PNSV), the purpose of which is to solve the housing problems of the poorest sectors of the population.

Paragraph 3 (b) (vii)

353. As the figure for owner-occupiers is 69%, for rental 13%, for antichretic contracts 4% and for transfer contracts 14%, there would appear to be no shortfall. It would seem, however, that within each of these categories at least 50% belong to the "illegal" sector. Consequently, consideration has been given to policies promoting support and flexibility with a view to legalizing property tenure and providing the necessary documentation.

Paragraph 3 (c)

354. Information on laws affecting the realization of the right to housing is set out below.

Paragraph 3 (c) (i)

355. Article 17 of the Banks and Financial Entities Act provides for the voluntary winding-up of the National Social Housing Fund (FONVIS), an institution which had two purposes: first, the social objective of solving the housing problems of the poorest sectors of the population; and secondly, the financial objective of serving as a solid financial institution for the provision of access to housing. The new National Housing Policy is targeted on the most vulnerable sectors of the population. Furthermore, given that the Civil Code and the Rental and Housing Act both date back more than 40 years, the Ministry of Justice and Human Rights has submitted a preliminary draft reformed civil code for consideration by civil society.

Paragraph 3 (c) (ii)

356. S.D. No. 24935 of 30 December 1997 establishes the National Housing Subsidy Programme (PNSV), the chief purpose of which is to solve the housing problems of low-income groups.

Paragraph 3 (c) (iii)

357. The INRA Law contains general provisions regulating land distribution, land use, expropriation and land planning, taking account of cultural characteristics and community participation.

Paragraph 3 (c) (iv)

358. Having regard to the Civil Code and in the light of the opening of the Offices of Rental Property Rights and Obligations, it will now be possible to gather information on the innumerable problems arising between owners and tenants, to serve as a basis for drafting a new Housing Act.

Paragraph 3 (c) (v)

359. The 1999 Annual Operational Programme for the construction sector sets as goals the drafting of a Bolivian Building Code, General Technical Specifications and a Building Safety Code. The Political Constitution of the State makes no specific provision for housing policies targeted on the poorest sectors of the

population, but those with sufficient resources are able to gain access to housing.

Paragraph 3 (c) (vi)

360. S.D. No. 24935 of 30 December 1997 provides for broad access to housing by all sectors, including those not traditionally catered for, i.e. non-contributors.

Paragraph 3 (c) (vii)

361. The Social Security Code covers the entire population, as it protects the interests of citizens in general.

Paragraph 3 (c) (viii)

362. In their broad scope, the Political Constitution of the State, the Social Security Code and the General Labour Law impose sanctions on citizens involved in evictions.

Paragraph 3 (c) (ix)

363. No national legislation exists restricting speculation on housing or property, which are subject to the Political Constitution of the State and the Social Security Code.

Paragraph 3 (c) (x)

364. Legislation exists legalizing the status of persons living in the "illegal" sector, and the Financial Markets chapter of the National Housing Policy provides for the creation of a new system of rights in rem, conferral of mortgage title and a legal framework more in line with the country's real needs.

Paragraph 3 (c) (xi)

365. A Human Settlements Policy has been formulated, which covers the environmental conservation and health aspects of housing issues.

Paragraph 3 (d) (i)

366. There are various ways in which community-based organizations are encouraged to improve housing conditions. These include provision of construction materials, district improvement subsidies, subsidies for provision and construction of housing in areas affected by emergencies, and other arrangements resulting from concerted action by social groupings and the Government, as well as strengthening of municipal structures, capacity-building for micro-enterprises, etc.

Paragraph 3 (d) (ii)

367. The new National Housing Policy combines three factors: savings, loans and subsidies: improving and democratizing access to housing credit through market mechanisms, and with lower interest rates and longer repayment terms provided for under the Housing Act. The Housing Policy is being developed following the

winding up of FONVIS. At present two sub-programmes are being developed within the National Housing Subsidy Programme.

Paragraph 3 (d) (iii)

368. Relevant provisions are article 206 of the Political Constitution of the State and the Urban Reform Act.

Paragraph 3 (d) (iv)

369. These measures include contracts for loans from international financing bodies such as IDB and its PROVIVIENDA project, providing US$ 60 million (82.8%) in financing, which, together with a local contribution of US$ 12.5 million (17.2%), totals US$ 72.5 million to promote policies to alleviate housing problems.

Paragraph 3 (d) (v)

370. The salient points of the National Human Settlements Policy have been tabled for consideration. This policy was drawn up in the context of a programme financed by the World Bank, which also financed the drafting and publication of the Programme to Support Implementation of Human Settlements Policies (PRODEMU). These salient points were developed in the course of lengthy meetings with experts. Similarly, the documentation prepared in the context of PRODEMU will be disseminated to experts at municipal level during training sessions in May and June 1999. A District Upgrading Subprogramme is also being developed, with a pilot scheme in eight selected districts in five cities, with bidding to commence on 7 June 1999.

Paragraph 3 (d) (vi)

371. The National Human Settlements Policy includes an Intermediate Urban Centres Programme and a Border Towns Programme. Both aim to promote human development in these two categories of town.

Paragraph 3 (d) (vii)

372. A Local Urban Development Programme (PDUV) is currently being implemented with a view to finding ways of upgrading districts and organizing communities in marginalized areas. It is hoped that the programme will enable participating districts to develop the capacity to contribute to the District Upgrading Programme within the National Housing Subsidy Programme. The PDUV is financed by the Netherlands Embassy.

G. Article 12

Guidelines, article 12 of the Covenant, paragraph 1

373. Psychiatric care includes treatment of psychic development and personality disorders and also functional or organic disruptions of mental activity. It comprises promotion of mental health, prevention of psychiatric disorders and measures to deal with psycho-social factors affecting health and human development.

374. Psychiatric care is provided by specialized and general services, particularly primary care services. Strictly speaking it is the latter that provide the most assistance, partly because of their greater accessibility and also because of the attitude of the public, which views these services in a more favourable light than mental hospitals.

375. It is estimated that current needs in this area will increase at the start of the 21st century as a result of demographic changes, with a larger proportion of the population in the age groups most at risk of suffering psychiatric disorders.

376. Annex 2 contains statistics on the mental and physical health of the population in general.

377. No reports have been submitted to WHO recently.

Paragraph 2

378. The Government's Strategic Health Plan (PES) is the cornerstone for a new quality of life for Bolivians. The principles underlying the Plan together comprise a new approach to the nation's health on the eve of the 21st century, the development model being the fight against poverty and the health model achievement of health for all. The three underlying principles are:

(a) A social responsibility single-mindedly to fulfil our specific task, by programming attainable and realistic goals and achieving them, generating and promoting equity and competitiveness;

(b) A commitment by Bolivia and the strategic alliance with its citizens enabling us to formulate policies together on the basis of what we have learned from our traditions and experience, giving priority to our citizens in every aspect and area of attention so as to improve our quality of life, promote solidarity, bring new hope and restore national dignity;

(c) A social ethic designed to bring about positive outcomes through the formulation of proposals in the sure knowledge of their successful implementation, with services, programmes and models formulated and developed in the light of our intercultural diversity and of our determination not to formulate and implement harmful policies.

379. The Bolivian National Health Policy has four cornerstones: basic health insurance; free old-age insurance; the epidemiological shield; and institution-building.

380. Bolivia has endorsed the primary health care plan proposed by WHO in Almaty. This health policy was initiated through the Integrated Plan of Activities in Health Areas (PIAAS), creating a health programme based on grass roots participation through People's Health Committees established at various levels.

381. Involving the community in health issues also entails a process of regionalization, with the setting up of health districts as the basic local technical and administrative unit. This process began in the 1980s. It was

subsequently restructured, with a reduction in community participation under the Plan of Action in Health Areas (PAAS). Since then the Government has embarked on the Three-Year Health Plan and on implementation of the National Plan for Infant Survival and Development and Maternity Care, whose three key components are decentralization, social management and infant and maternal health. A Plan for Life has also been implemented, and under a new health model the Districts have been broken up, putting health services on a municipal footing. At present the Strategic Health Plan, with its four pillars, is being stepped up.

Paragraph 3

382. Annex 3 sets out figures for central and local government spending on health and basic health-sector social services (SSB) from 1990 to 1998.

383. As a percentage of total national expenditure, expenditure on SSB in the health area has been dwindling over the review period. In macro-economic terms, these expenditures have fluctuated, reaching a high of about 1.29% of GDP in 1997. In fiscal terms they have also fluctuated, with a high of 8.59% of government expenditure in 1993.

Paragraph 4 (a)

384. The infant mortality rate fell from 96 per thousand live births in the period 1984-89 to 67 per thousand at the last survey, for the period 1995-98. Estimated mortality rates by place of residence over the last five years are 90 per thousand in rural areas and 50 in urban areas.

Mortality

ENDSA year	1989	1994	1998
Infant mortality rate (per 1,000 live births)	96	75	67
Mortality rate (under-fives)	na	116	92
Maternal mortality rate (per 100,000 live births)	416	390	na

Source: National Demographic and Health Survey (ENDSA).

385. Neonatal and postnatal mortality rates fell to similar levels in both urban and rural areas, but the disparity between the two remains wide.

Mortality rates by age at date of survey

Total	Neonatal	Postnatal	Infant	Post-infant	Childhood
0-4	34	34	67	26	93
5-9	39	41	80	29	107
10-14	43	48	91	43	130
Urban	Neonatal	Postnatal	Infant	Post-infant	Childhood
0-4	25	25	50	17	66
5-9	24	32	56	23	78
10-14	30	42	72	36	705
Rural	Neonatal	Postnatal	Infant	Post-infant	Childhood
0-4	46	45	90	38	125
5-9	57	52	109	39	144
10-14	62	56	118	56	167

Source: ENDSA.

386. Considerable regional differences persist. Infant mortality is 82 per thousand in the Altiplano, 61 in the valleys and 53 in the plains region.

Infant mortality in the five years previous to the survey

Residence	Neonatal	Postnatal	Infant	Post-infant	Childhood
Urban	25	25	50	17	66
Rural	46	45	90	38	125
Region	Neonatal	Postnatal	Infant	Post-infant	Childhood
Altiplano	44	38	82	32	111
Valleys	33	28	61	32	91
Plains	20	34	53	12	65

Source: ENDSA.

Paragraph 4 (b)

387. Seventy-five per cent of homes have some access to drinking water (piped water in or outside the home, via neighbours or from public sources). In urban areas 87% of housing is directly connected to the mains. In rural areas water usually comes from standpipes (44%), with only a few homes (6%) as yet internally connected.

388. Table I (see annex) shows that at the 1992 census 58% of the total population had access to drinking water. In urban areas 84% had drinking water, in rural areas only 18%. According to INE statistics, by 1997 access to drinking water nationwide had risen to 76%, with 32% of the rural population having access to such amenities.

389. According to forecasts by the Vice-Ministry of Basic Amenities, in the current financial year the target for drinking water coverage in rural areas is 50%, with priority accorded to this sector of the population, who are the most deprived and lacking in amenities. At present the Basic Rural Sanitation Programme (PROSABAR) is being implemented and a Water and Sanitation Programme for Small Municipalities (PROAGUAS) is being prepared for implementation with IDB funds. In urban centres programmes to improve and extend drinking water and sewerage systems in departmental capitals and intermediate urban centres are being prepared and/or implemented with funds from Germany (KFW) and IDB.

Paragraph 4 (c)

390. Availability of and access to adequate basic amenities such as water and electricity and facilities for the disposal of excreta go hand in hand with better conditions for the survival of the population, particularly children.

391. Sixty-five per cent of homes have access to lavatories, with or without disposal (29% connected to main drainage or a septic tank, 36% latrines or earth closets). Disposal facilities are accessible to 45% of homes in urban areas. In

rural areas where no facilities exist, excreta are usually disposed of in the fields (65%).

392. In 1992, 44% of Bolivian homes had access to excreta disposal facilities including sewerage systems and non-conventional systems (latrines and earth closets). In rural areas coverage was 19%, in urban areas 64%. According to a 1997 INE survey, national access to sanitation had increased to 63%. In rural areas access is estimated at 20%.

393. Under the PROAGUAS programme, the Government is setting out to increase coverage to 50% during the current financial year.

Paragraph 4 (d)

394. Vaccination rates are higher than the national average of 47% in urban areas and the plains region (especially Tarija and Santa Cruz); and are also higher for boys than for girls. According to their health records, about 60% of children in Tarija and Santa Cruz have been vaccinated, compared to between 40 and 50% in other departments except Beni and Pando (28%) and El Alto (36%).

395. Rates of vaccination are lower for younger siblings and where the municipality of residence is poor. There is no discernible correlation with the mother's level of education, as the lowest total vaccination rate is to be found among children of mothers with an intermediate education (36%). Factoring in information obtained from the mothers (applicable in the case of 60% of children), it would appear that only 26% of children have received all the vaccinations administered at various ages. Vaccination rates fall by half in departments with low rates of completion of a course of vaccinations, especially in Oruro (from 49 to 21%), Santa Cruz (from 61 to 33%), Cochabamba (from 38 to 18%) and La Paz (from 42 to 22%).

Vaccinations in rural and urban areas

Children	BCG	DPT	DPT	DPT	Polio	Polio	Polio	Measles
Boys	94.6	98.2	83.9	68.2	97.7	83.4	67.5	57.6
Girls	97.8	95.9	85.0	69.7	96.1	85.6	69.4	53.0
Urban	98.4	98.3	87.8	74.6	98.1	87.4	74.3	50.1
Rural	93.0	94.9	79.2	60.1	94.8	80.2	59.5	53.7

Paragraph 4 (e)

396. According to INE statistics, life expectancy in Bolivia is 61 years. Life expectancy at birth is estimated at 62 years. Women have a longer life expectancy than men (63 and 60 years respectively).

397. Oruro and Potosí continue to be the departments with the lowest life expectancy (about 57 years), while Tarija and Santa Cruz have the highest estimates (over 65 years).

Life expectancy at birth (years)

	Men	Women	Total
Bolivia	60.42	63.81	62.08
Chuquisaca	59.06	62.51	60.74
La Paz	60.48	64.14	62.26
Cochabamba	60.07	63.45	61.72
Oruro	55.90	59.32	57.57
Potosí	55.34	58.75	57.02
Tarija	64.08	67.67	65.84
Santa Cruz	64.60	68.12	66.31
Beni	58.81	62.21	60.46
Pando	59.57	60.78	61.14

Source: INE.

Paragraph 4 (f)

398. The Social Security Code establishes that access to medical care and necessary medicaments shall be universal. In practice, this principle has never been implemented. On the one hand, social security does not cover the rural population, which accounts for 42.5% of the total population; and on the other, it covers only the 11.46% of the economically active population who are active contributors. Furthermore, the percentage of coverage by the pensions systems has been falling gradually. In 1993 the system covered 17.18% of the economically active population who were contributors. In other words, for every 6.6 of the population, only the 1.1 active contributors and their family members (spouse and children) have access to social security benefits.

399. Policies to consolidate stability and promote economic growth, employment, social development and modernization of the State social security apparatus are covered by article 83 of title III, chapter III, of the Code, which provides for a broadening of coverage, extending social security protection to all workers, whether employed or self-employed. According to the 1992 census, the economically active population with health cover numbered 25,229 (10,287 men and 14,942 women). Of these, 24,872 were employed and 357 unemployed.

400. At present, 12,056 persons work in the decentralized public subsector and 9,317 in the autonomous public subsector, making a total of 21,317 employed in the public health subsector. Of these, 4,011 are doctors and 2,035 social security officials, 1,894 nurses, 4,792 nursing auxiliaries and 10,541 administrative and services staff. The bulk of the resources were to be found in the zone of high economic development (La Paz, Cochabamba and Santa Cruz) and around 80% of specialized staff were concentrated in urban areas and in tertiary

care. After the entry into force of the 1996 Decentralization Act, staff were transferred to the departmental prefectures and new rules drawn up reorganizing departments and staff grades. This process is still under way, with the reorganization of municipal health service networks calling for a redistribution and reallocation of staff.

401. Twenty per cent of Bolivia's 311 municipalities have no qualified health personnel. In these municipalities care is dispensed by community personnel.

402. Proper monitoring has effectively measured the success of the national vaccination programmes in reducing disease and identifying those areas and groups in need of supplementary measures. Epidemiological monitoring has improved substantially, both as regards compilation of information in health establishments and as regards collaboration with laboratories. The number of units submitting notifications has increased, and some countries are incorporating them in the private sector and insured enterprises.

403. Article 12 (Supply of medicines and materials) of chapter IV of S.D. (Regulating) No. 125265 establishing Basic Health Insurance (SBS) provides as follows:

(a) The Health District Directorates and secondary and tertiary care establishments shall acquire essential medicaments and medical and laboratory materials from the Regional Supply Units (URES) of the Health Provision Supply Centre (CEASS), the decentralized organ of the Ministry of Health and Social Security running the National Essential Medicaments Programme (PMEBOL), applying criteria of quality, opportunity and cost. In cases of lack of availability or better economic options, these goods may be acquired from other lawfully established suppliers;

(b) The health services may not take delivery of medicaments from the municipalities in payment for benefits provided to insured persons; payment must be made only in financial resources, either in cash or by cheque;

(c) The essential medicaments to be used in the SBS must appear on the relevant health register;

(d) for acquisition of essential medicaments and medical materials, public sector purchasers must request a contribution from the CEASS or the URES;

(e) The prices of the medicaments and materials listed in annex 1 of the Supreme Decree, which specifies the costs met by the CEASS, are determined therein;

(f) The Regional Supply Units must report every three months on the state of the accounts of the Health Districts, hospitals or services of the Departmental SBS Management Unit in order to monitor the administrative and financial state of the balances outstanding.

Paragraph 4 (g)

404. ENDSA figures for 1998 show that average maternal mortality has remained constant at 416 per 100,000. In the Altiplano the estimated figure is 602 per

100,000 live births, more than twice that for the valleys and almost six times that for the plains region (110). Urban maternal mortality was 274 per 100,000 live births, and the figure for rural areas 524. In rural areas of the Altiplano it rose to 887 per 100,000 live births. Only half of all pregnant women received antenatal care from trained personnel (doctors, nurses, nursing auxiliaries); 47% received no antenatal care. Only 50% of women were inoculated against tetanus, and barely 60% in the plains departments where coverage is highest. A high proportion (57%) of births take place in the home, 40% of them without professional assistance. The causes of maternal mortality are, in order of importance, haemorrhage, toxaemia, infection and obstructed delivery. Abortion accounts for an estimated 27 to 35% of deaths.

Paragraph 4 (h)

405. According to the 1998 ENDSA survey, child health care consists largely of vaccination of newborn infants, children under the age of 5 and women of child-bearing age. Priority has been given to vaccination against the main causes of infant mortality: tuberculosis (BCG), DPT (diphtheria, pertussis, tetanus), polio and measles. Mothers with children born during the survey period were asked to show their children's health cards as evidence of the vaccinations the child had received and the dates on which they had been administered. When the mother did not have a card or failed to produce one, the person performing the survey made careful inquiries in order to determine whether the child had received the main vaccinations. Data gathered in this way are obviously less reliable, as there is a risk of memory errors and false declarations.

406. According to the 1998 ENDSA survey, 28% of children under the age of three suffer from chronic malnutrition (height/age ratio). This figure is 10 percentage points lower than the figure for the 1988 ENDSA survey. One out of every three children in rural areas and one out of every five in urban areas suffers from chronic malnutrition. The highest incidence of chronic malnutrition was to be found in the Altiplano (32%) and the valleys (30%); in the plains region the figure was 18%. According to the same source, 15% of children of mothers with an intermediate or higher education suffered from retarded growth, compared to 46% of children of mothers with no education. On the other hand, the incidence of acute malnutrition (weight/height ratio) was 4.4% for children under three years of age, higher than the corresponding figure (1.6%) in the 1989 ENDSA survey. The acute malnutrition rates in Chuquisaca (14.6%) and Potosí (10%) forced up the national average for 1994.

Paragraph 5

407. Although the infant and maternal mortality rates have fallen, there still exist pockets of poverty which, for geographical, cultural and economic reasons, do not have access to health care. These are to be found particularly in rural areas and some peripheral areas of towns, especially in the provinces of northern Potosí and southern Cochabamba, areas with high maternal and infant mortality rates.

Paragraph 5 (a)

408. In our view the new health model proposed by the previous Government weakened the administrative structure by abolishing the Health Districts,

severing the link between the departmental and municipal levels of administration, since there is no provincial level to provide a link between the departmental and local levels.

Paragraph 5 (b)

409. Psychiatric care is provided by both specialized and general services, particularly at the primary care level. Strictly speaking it is the latter that provide the most assistance, partly because of their greater accessibility and also because of the attitude of the public, which views these services in a more favourable light than mental hospitals.

410. Psychiatric care has been incorporated much more fully into the primary health care strategy. The development and dissemination of simple technologies to identify and deal at primary level with patients suffering emotional disturbances, and of education in services, both supported by specialized services, have contributed significantly to extending coverage. Great efforts have been made to promote these actions through research, preparation of textbooks and training. It should be noted that specialized psychiatric care and care provided by the general health services only partially cover the population's needs and expectations. Some of the remainder are catered for to a greater or lesser extent by the communities themselves. Thus the regional health systems in particular have begun to link their psychiatric care programmes with actions undertaken by the community in general, for example through social support networks, mutual aid groups and users' associations.

411. Furthermore, the quality and accessibility of psychiatric care services generally leave something to be desired. In response to this situation an initiative to restructure mental and physical health care was drawn up in 1990. Mental and physical health care are not generally regarded as priority issues, so that budgets are low and few measures taken. Authorities and health professionals have reservations regarding the new approaches proposed for primary prevention, particularly in the field of mental and physical disorders. These attitudes derive partly from the social stigma attaching to persons suffering from mental disorders, and are also partly attributable to the training that service providers receive, usually in mental hospitals. The psychiatric care restructuring initiative is an attempt to overcome this situation and may be said to be achieving the desired results.

412. In 1997 the Directing Council of the Pan-American Health Organization backed this initiative and urged member Governments to give it their full support.

Paragraph 5 (c)

413. The health aspects of the social policy the Government has prepared to combat poverty are implemented through the SBS, free old-age medical care and the epidemiological shield.

Paragraph 5 (d)

414. These health policies are intended to improve access to health services, thereby improving national indicators.

Paragraph 5 (e)

415. One specific measure taken to reduce the stillbirth rate and maternal mortality is the SBS, which identifies and targets priority mother and child health problems on the basis of an epidemiological profile.

416. The epidemiological shield is an attempt to improve health standards, and in particular to combat diseases transmitted by vectors. A major problem is Chagas' disease, which affects almost half the population. Inter-institutional efforts are being made to improve the health of the population vulnerable to this disease.

Paragraph 5 (f)

417. Programmes to control fixed and mobile sources of emissions have been implemented to monitor air quality in two of the major cities. By Law No. 1484 Bolivia has acceded to the Vienna Convention for the Protection of the Ozone Layer.

418. In compliance with the mandatory national schedule for the gradual reduction of chlorofluorocarbons (CFCs), a government committee on the ozone layer has been set up.

Paragraph 5 (g)

419. According to the National Health Information System (SNIS), epidemiological monitoring units are taking a range of measures to prevent, treat and control diseases. The results are set out below. Measles is a preventable disease whose annual incidence continues to be high.

Cases of disease in 1997-98 (SNIS statistics):

trend: measles, 7 out of 10 cases;
trend: whooping cough, 138 out of 200 cases;
trend: neonatal tetanus, 14 out of 20 cases;
trend: diphtheria, 3 out of 4 cases;
trend: poliomyelitis, no cases;
trend: tuberculosis, all forms; 9.853 out of 10 cases;
trend: AIDS, 8 out of 10 cases;
trend: asymptomatic HIV, 13 out of 15 cases;
trend: syphilis, all forms, 2.64 out of 3 cases;
trend: gonorrhoea, 5.484 out of 6 cases;
trend: malaria, 51.478 out of 60 cases;
trend: yellow fever, 63 out of 80 cases;
trend: canine rabies, 347 out of 500 cases.

420. Bolivia is a participant in the Southern Cone initiative to eliminate vector transmission of Trypanosoma cruzi through application of residual-action insecticides. Of the 90,000 homes treated in the 1990s, 35,000 were treated in 1996.

421. Leishmaniasis is found in the tropical and sub-tropical areas of La Paz, Beni, Pando, Santa Cruz and Cochabamba. Of cases detected, 93.2% were cutaneous

and the remaining 6.8% mucous (only in 1993 were visceral forms reported in the warm valleys). Cases diagnosed were treated with multidrug therapy and adequate dosage.

422. Cases of sylvan yellow fever occurred in the departments of La Paz, Santa Cruz, Beni and especially Cochabamba. Vaccination campaigns have taken place in risk areas, generally during outbreaks. Conscripts mobilized in these areas are also immunized. Outbreaks are controlled by treatment with streptomycin and by spraying homes with deltamethrin.

423. Eradication programmes have succeeded in reducing the incidence of poliomyelitis, measles, tetanus, diphtheria, whooping cough and hepatitis B.

424. Cholera has been controlled nationally and regionally through campaigns and programmes to prevent outbreaks by according attention to personal and food hygiene.

425. The largest number of tuberculosis cases were notified in La Paz, Santa Cruz and Cochabamba. The cure rate was 76% in cases of pulmonary tuberculosis with directly observed short-course treatment.

426. Leprosy is found in rural areas of Beni, Pando, Santa Cruz, Cochabamba, Chuquisaca, Tarija and La Paz. The detection rate was 5 per 100,000, with a prevalence of 110 per 100,000. Use of polychemotherapy has become widespread.

427. There were 269 reported cases of rabies in humans, 71% of them in Santa Cruz and Cochabamba. There have been eradication campaigns using praziquantel. Other zoonoses such as fascioliasis and foot and mouth disease have been reported.

Paragraph 5 (h)

428. Within the SBS, S.D. No. 25265 guarantees all persons living in the national territory medical care and medical services free of charge in the event of sickness.

Paragraph 5 (i)

429. The SBS is currently still in its implementation phase, and its results will be analysed at a later date.

Paragraph 6

430. The general provisions of the Rights and Privileges of the Elderly and Free Old-Age Medical Insurance Act (Law No. 11886) are:

> Article 1. From 1 October 1998 there shall be established a regime of discounts and privileges for Bolivian citizens of 60 years of age and over, under which they shall have the right to obtain reductions in the tariffs charged for public services, for public transportation as provided for in article 6, and in taxes on ownership of movable and immovable property.

Article 2. Citizens of 60 years of age and over shall be entitled to this regime of discounts and privileges. The benefit shall be personal, individualized and non-transferable to third parties. To have entitlement to the benefit, the services described in the previous article must be billed in the name of the beneficiary of the service. In the case of provision of public services or ownership of immovable goods, the title to property or services contract must exist in the form of a public document dating from before promulgation of this Law.

Beneficiaries signing contracts relating to sale and purchase of immovable property or provision of public services subsequent to the promulgation of this Law must provide certification of their title to the property by producing evidence of payment of taxes on the transactions and completion of formalities in connection with the change of name, as well as the relevant contract for services or certified copy of the transmission tax on sale or purchase.

Users of water and electricity services applying for discounts must provide certification of their status in the form of the utilities bill or contract of antichresis.

Article 3. A regime of discounts and privileges which must be accorded by the enterprise providing public services and distributing electricity and water for domestic consumption is hereby established as follows:

Electricity (consumption limit applicable): 0-100 kWh per month, 20% discount;

Drinking water (consumption limit applicable): 0-15 m3 per month, 20% discount.

Article 4. The discounts awarded in this article shall be consolidated monthly by the entities responsible for applying them, who shall issue an invoice for the total discount on behalf of the Treasury General of the Nation. The tax administration shall issue a tax credit certificate for the amount of the discount recorded on the bill. This tax credit certificate shall be a negotiable instrument which may be used to settle tax obligations.

Article 5. The following text shall be incorporated into article 53 of Law No. 843 as a subparagraph (e):

"Persons 60 years of age and over owning immovable property of social or economic interest to be used by them as a permanent home shall enjoy a 20% reduction in annual taxes up to the limit of the first tranche of the scale established in article 57."

Article 6. For national air, rail and river passenger transport services, interdepartmental and interprovincial public land transport, the enterprises owning the services shall offer a 20% discount for each journey.

Article 7. Protection benefits shall be extended to the elderly, with the establishment of free old-age medical insurance for all Bolivian citizens aged 60 or above who have no kind of health insurance and are permanently established in the national territory.

The Executive Branch shall regulate the coverage of this insurance, its financing, to be borne by the Treasury General of the Nation and the municipalities, and the regime of benefits, which shall be accorded by all the Managing Bodies of the Bolivian Social Security System.

Article 8. The public and private entities that provide services of a general nature to persons aged 60 and over must set up special service counters to cater for them and provide them with preferential treatment. Where no such special counter exists, beneficiaries shall be accorded priority when queueing to request services.

Article 9. Failure to comply with this Law shall give rise to the following sanctions:

(a) Lifelong loss of the rights and privileges provided for in this Law, by any citizen falsifying his or her date of birth in order to obtain these benefits, without prejudice to the appropriate criminal proceedings;

(b) A fine, equivalent to twice the price of the service in each and every case, for enterprises and natural persons required to award discounts.

Article 10. All provisions contrary to the present Law are hereby repealed.

Transitional clause.

Until the National Identity Register (RIN) becomes operational, Identity Cards, Single National Register cards and Military Service certificates shall be valid documents for purposes of obtaining benefits under the regime of discounts and privileges.

The discounts established under the provisions of this Law shall be provided promptly on presentation of any of the above documents.

Paragraph 7

431. For the planning and operation of services participating in the community sector, operational controls over the use of forms and instruments have been established within the SBS:

- out-patient care register, form N11;
- hospital care register, form N12;
- laboratory and obstetric scan register, form N13;
- register of miscellaneous expenses in connection with transportation of obstetric emergencies, form N14A;
- register of miscellaneous expenses in connection with visits to communities without care facilities, form 4B;

- certificate of referral;
- laboratory orders;
- certificate of benefits awarded (CAPO), form N15 (document that must bear the official stamp of SEDES in order to be valid);
- SBS identity card;
- affiliation register booklet;
- prescription card;
- pharmacy card;
- report on monthly consumption and requests for medicaments;
- clinical history; and
- maternity record.

432. Care by rural community workers must be provided only in those rural municipalities that have no access to health services. These workers are trained, certified and authorized by the Health Districts on the basis of regulations drawn up by SEDES.

433. The financing of rural community workers establishes the benefits payable under this arrangement in rural municipalities without access to health services. The cost of the services covers only medicaments and materials.

434. The monitoring visits established in article 7 of S.D. No. 125265 are the periodic visits made by medical health personnel to rural communities lacking health care facilities. These are programmed annually, approved by the Health District and incorporated in the municipal annual operational plan, up to a ceiling of not more than 10% of the total annual budget for the local Compensatory Health Fund. Disbursements are made on the basis of activity schedules. The costs covered are road or river transport, fares, travel expenses and fuel. The scale of travel expenses is established by each municipality. The cost of the periodic visits must be declared on form 4B appended to the CAPO every month.

Paragraph 8

435. In the framework of the Strategic Health Plan to Combat Poverty (PES), the objectives of the epidemiological shield and strategic guidelines are:

(a) to raise public awareness of promotional and preventive services through appropriate information strategies developed as part of a strategic social community health plan;

(b) to develop interaction and coordination mechanisms in the framework of national food security policies to guarantee the quality and safety of the food consumed by the population and encourage environmental awareness;

(c) to give priority to budget allocations from the Treasury General of the Nation in this field and reallocate, with immediate effect, funds and technical support from international bodies, projects, friendly countries, potential donors and other sources, to strengthen promotional and preventive services and activities accorded priority for epidemiological purposes.

Paragraph 9

436. Both the positive and the negative aspects of the right set forth in article 12 of the Covenant have been developed in line with capacities, in the areas of mental and physical health, reduction of neonatal and infant mortality and healthy development of children, and prevention and treatment of epidemic, endemic, occupational and other illnesses.

H. Article 13

Guidelines, article 13 of the Covenant, paragraph 1 (a)

437. Article 177 of the Political Constitution of the State provides that education is the highest function of the State, that public education is free of charge and that primary education is compulsory.

438. In this context, since 1993 the last three governments have developed an Educational Reform Programme aimed at significantly increasing coverage, chiefly at primary level, and improving the quality and fairness of the national education system. Measures proposed in this programme include an extension of primary education from five to eight years, changes to the curriculum, and decentralization of the system.

Paragraph 1 (b)

439. Like primary education, secondary education is dispensed in public and private establishments. In all public establishments it is free of charge, and possibilities for access are greater in urban than in rural areas.

440. In alternative education, coverage of secondary education is as follows:

- Accelerated basic education (EBA), education in basic literacy for adults who did not attend school or dropped out of school;

- Bolivian Apprenticeship Institute (IBA), offering various forms of specialized technical training for adults;

- Accelerated Intermediate Education Centre (CEMA), offering an educational programme to all persons over 21 years of age leading to a mature student's baccalaureate after two years' study;

- Integrated centres (CI), in urban areas, following an integrated curriculum linking technical and human studies and involving the community;

- Integrated Community and Rural Education Centres (CEDICOR), training qualified manpower and middle-grade technical staff in rural areas, providing labour market resources with which to organize units of production;

- Human Sciences and Agricultural Technical Education Centres (CETHA), offering an integrated education in social and human sciences and

technical skills, with three courses: community education, technical and vocational training, and a general baccalaureate.

Paragraph 1 (c)

441. The system of higher education in Bolivia, essentially in universities, is divided into two subsystems: the public or State subsystem, consisting of 12 universities, and the private, comprising 27 universities. Coverage by both systems is about 25% of the total population between the ages of 18 and 25.

442. There are no major restrictions on access to university education. However, the public or State universities, whose enrolment fee is only US$ 20 annually, have begun to introduce some restrictions on the freedom of entry that existed until about ten years ago, such as the setting of quotas for some courses, entrance examinations and pre-enrolment courses.

443. As for the private universities, the main impediment is the high cost of enrolment and the monthly board and lodging fees the students have to pay: US$ 800 - US$ 1,200 annually. On the other hand, upholding the principle of freedom of access, most of these universities impose no major restrictions on entry.

Paragraph 1 (d)

444. Night school is one means of providing primary education and an education for children, adolescents and young people working in the streets (NAJTs). Thus, the Ministry of Education, Culture and Sport, through the Vice-Ministry of Alternative Education, is implementing a project entitled "Development and implementation of the night school curriculum for NAJTs and street children", providing optional courses free of charge. The new programmes are in the process of being validated. There is also a programme of educational and training activities targeted on children and young people living in the streets who do not attend school, the aim of which is to rehabilitate them and reintegrate them in school and in their families.

445. Owing to the high drop-out rate in adult education, attributable to the employment situation, which makes daily attendance at the centres difficult, for the past three years the Ministry of Education, Culture and Sport has been implementing a curriculum transformation project (R.A. 028/94), which is still in its experimental phase, building a modular curriculum for primary and accelerated secondary education in collaboration with the German Association for Adult Education.

446. Similarly, learning centres such as the IBAs, CEMAs, CIs, CEDICORs and CETHAs described under paragraph 1 (b) above also cater for cases of the type referred to in this subsection.

Paragraph 2

447. One difficulty in this regard is undoubtedly the dearth of human and financial resources to implement curricula and the lack of incentives to work in remote rural areas. The table below sets out the targets for coverage of primary education since 1997.

Targets (%)

	1997	1998	1999	2000	2001
National	79.8	82.2	85.3	86.1	86.9

Paragraph 3

448. Net effective coverage of public and private primary education was 79.8% in 1997. Annexes 1 and 2 ("Education indicators, public education, 1998" and "Pupils enrolled by area and sex, by department, 1998") set out the information on public primary education.

449. In the field of literacy, the efforts made by the State and civil society with international assistance over the last two decades have been haphazard, piecemeal and of variable quality, and have had very little impact on a problem of this magnitude.

450. The present Government has prepared a National "Literacy for Life and Production" Plan, 1998-2002, as a means of combating poverty.

Total number of absolute and functional illiterates
(1998 estimates)

Year	Population aged 15-45	Absolute illiterates	Illiterates with no schooling	Dropout in 5th grade	Total
1998	3,579,921	447,490	193,316	391,871	1,032,677

451. Through sustained and concerted action at national level, the Plan proposes an effective response to the situation and needs of illiterates over the age of 15, with particular attention accorded to:

(a) the age group aged 15-45;

(b) the sectors with the highest illiteracy and poverty rates (women, indigenous and rural communities), having regard to the need for equitable treatment; and

(c) sectors with productive potential from the standpoint of efficiency.

Target population of absolute illiterates by year, 1999-2002

	1999	2000	2001	2002	Total
Target	0	207,406	207,407	0	414,813
Percentage	0	50	50	0	100

Target population of functional illiterates by year, 1999-2002

	1999	2000	2001	2002	Total
Target	146,297	243,075	204,815	0	585,187
Percentage	25	40	35	0	100

Paragraph 4

452. Expenditure on pre-school, primary and secondary education accounted for 14% of current government expenditure in 1998.

453. The table below shows current expenditure on primary and secondary education as a percentage of total current expenditure for the sector.

Targets (%)

	1997	1998	1999	2000	2001
National	71.0	71.0	73.6	74.6	76.4

454. The Bolivian school system is subdivided into two subsystems, the formal and the alternative.

455. The formal subsystem consists of:

(a) Pre-school level: begun on the initiative of the family. The State will provide at least one year's formal education offering a preparation for primary education;

(b) Primary level: aimed at achieving cognitive, affective and psychomotor targets, with a flexible, ungraded structure enabling pupils to progress at their own learning speed without repeating a year, until they have achieved the targets for the level. The level lasts an average of eight years, and is divided into three cycles: (i) basic learning cycle, aimed at achieving the basic skills of active and passive reading, oral and written expression and elementary mathematical reasoning; (ii) applied learning cycle, aimed at teaching elementary scientific and technological knowledge and technical skills; and (iii) essential learning cycle, aimed at achieving targets in natural and social sciences, language development, mathematics, the plastic arts, music and drama;

(c) Secondary level: consists of two cycles enabling pupils to progress at their own learning speed without repeating a year, until they have achieved the targets for the level. The technology cycle is intended to achieve first-grade technical skills and knowledge and build on the targets of the primary level. The differentiated cycle is divided into two options: intermediate technical, and natural and human sciences.

456. The alternative education subsystem comprises adult education, special education and permanent education.

Paragraph 5 (a)

457. The percentages figures for access and enrolment of boys and girls in the school system show a slight bias in favour of boys in the three levels of the formal system. The table below shows the net coverage rate for 1998.

	Boys	Girls
Initial	37%	38%
Primary	89%	86%
Secondary	41%	38%

Paragraph 5 (b)

458. Since the promulgation of the 1955 Bolivian Education Code, education has been a right of all citizens, male or female, indigenous, peasants and internal or external migrants. The Education Reform Act (Law No. 1565) of July 1994 also provides that the education system in Bolivia shall be intercultural and bilingual.

459. Thus, no type of discrimination, whether racial, religious, linguistic or other, impedes the right of all Bolivians or foreigners established in Bolivia to an education.

460. As a result of the legal restructuring established by the Educational Reform, having regard to the Disabled Persons Act (Law No. 1678) and S.D. No. 24807, access to normal schooling by students with special educational needs is facilitated by the creation of administrative and institutional conditions, infrastructure and curricula to promote full participation in a framework of equal opportunities. Thus:

- The Special Education Centres are working to produce a more flexible system with the technical capacity to integrate their students in regular schooling;
- At human resources level, a new process of accreditation and training is being inaugurated with a view to meeting the challenge of developing students' potential to the maximum;
- The curriculum is being reorganized by area so as to promote harmonization of operational and evaluation criteria for special educational needs;
- At institutional level, institutions catering for disabled persons are being strengthened so as to promote participation by all in "school for all";

- At policy level, a process of intersectoral integration has been begun, to assist in the establishment of integrated policies to tackle the whole issue of disability (inter alia, in the field of education).

Paragraph 5 (c)

461. Although education in Bolivia is free and compulsory, problems persist in rural areas, where there is sometimes no access to education, basically because of a lack of educational facilities. However, in the context of the Educational Reform, strategies are being developed to increase the number of schools in rural areas.

462. Similarly, the Ministry of Education, Culture and Sport is working on a proposal to reach out to rural and peripheral urban areas through an Alternative Secondary Education Distance Learning Project.

Paragraph 5 (d)

463. The bilingual system applied in primary schools enables teaching and learning to take place in the three most widely spoken indigenous languages, Quechua, Aymara and Guaraní. The Ministry is developing a special educational programme providing for bilingual arrangements in the 30 minority languages of the Amazonian peoples.

Paragraph 6

464. Updated information is currently being compiled on this subheading.

Paragraph 7

465. State schools account for 88% of all educational establishments. A further 6% of State schools are run by churches of various denominations under special agreements.

466. The remaining six per cent of schools are privately administered, and no difficulties are encountered by those wishing to set up such schools. The State regulates them so as to maintain minimum standards with regard to infrastructure, curriculum, teachers' conditions of work and the impact of school fees on the families concerned.

Paragraph 8

467. Recent legislation is intended to strengthen the capacity of the State to extend the scope of this right.

Paragraph 9

468. From the outset of work on the Educational Reform, even prior to its implementation and while the proposal was still being drafted, international assistance has played a crucial financing role.

469. Furthermore, technical assistance by international organizations has supported not only basic education, but also the development of technical, secondary and non-university tertiary education, university education, scientific and technological activities and support for cultural activities. Organizations such as OEI, UNESCO, the Andrés Bello Convention and OAS provide continuous support for these activities.

I. Article 14

470. The Political Constitution of the State provides that primary education in Bolivia shall be compulsory and free of charge.

J. Article 15

Guidelines, article 15 of the Covenant, paragraph 1 (a)

471. The State provides financial support for various cultural activities:

- Overseeing and promotion of film production through the National Cinema Council (CONACINE) fund;
- Payment of the National Symphony Orchestra's salaries by the State, and development of its activities through voluntary contributions by private sector organizations;
- Support for the Bolivian Choral Society under the same arrangements;
- Art and literature prizes set up by the State;
- Various cultural festivals supported by the State, private enterprise and international organizations, including the Sucre and Potosí festivals, the Chiquitos Baroque Music Festival, and drama festivals.

Paragraph 1 (b)

472. Under the decentralized system of administration, the infrastructure for promotion of popular participation in culture (cultural centres, art galleries, theatres) is the responsibility of the municipalities.

473. The infrastructure of State museums is maintained through foundations and by the Ministry of Education, Culture and Sport, through the Vice-Ministry of Culture.

474. The libraries are run by the municipalities.

Paragraph 1 (c)

475. Through the various specialized departments of the Ministry of Education, Culture and Sport, the Government is currently working to promote indigenous culture, historical centres and architectural sites, and to record oral tradition as a means of restoring cultural identity.

476. Similarly, in the context of UNESCO's work on the world cultural heritage, in recent years steps have been taken to promote aspects of Bolivia's cultural identity internationally. Sites promoted include Sucre, Potosí, the Jesuit Missions of Chiquitos and Samaipata, and, most recently, the Tiawanaku ruins.

Paragraph 1 (d)

477. Private enterprises and the municipalities encourage promotion and support of regional cultural events such as fiestas and music and dance festivals.

478. The Ministry of Education, Culture and Sport is developing interregional cultural integration programmes and projects (Semillas del Arte), and also projects to restore documents and edit musical scores from the baroque, colonial and republican periods.

Paragraph 1 (e)

479. Although there is no specific legislation requiring the media to allocate a given percentage of their programming to the promotion of cultural life, there is a general rule whereby more than 50% of programming is to be domestic in origin. Unfortunately, most of the communications media fail to comply with this standard.

480. Similarly, recent years have seen sustained work on the preservation, conservation and restoration of the architectural, artistic and archaeological heritage. This work is carried out jointly by the State and the municipalities, with international assistance.

481. Legislation in the field of the cultural heritage is currently being amended by those directly involved with the issue.

Paragraph 1 (f)

482. The Government is currently in the process of drafting the National Programme for the Defence of the Cultural Heritage, in coordination with the Legislature and Judiciary, the churches, the police and armed forces, departmental and municipal authorities and institutions of civil society. The initial and fundamental content of the Programme is a curriculum for education in the cultural heritage, to be subject to the same horizontal approach as is accorded to environmental education by a decision of the Government agreed with the departmental authorities. This is an enormously important step, as for the first time secondary education will include a component devoted to the tangible, intangible and natural heritage, the latter being seen as a relationship between human beings and the biosphere that is eminently cultural in character.

483. Subsequent contents will include a national pact with the mass media and communications media for the purpose of raising awareness of the need to defend and protect the tangible, intangible and natural heritage.

484. Meanwhile, the situation is as described under the previous subheading.

Paragraph 1 (g)

485. Article 1 of the Copyright Act, Law No. 1322, promulgated on 13 April 1992, states that the provisions of the Act, which concern public order and the social interest, regulate the regime for the protection of the rights of authors over original works of the imagination, whether literary, artistic or scientific, and the related rights determined therein. Similarly, it clearly establishes that there is no need to register or deposit the work or to comply with any other formality in order to enjoy protection, as the work is protected from the moment of its creation (art. 2).

486. Among the restrictions on copyright, the Law provides that it is permitted to quote an author, i.e. to include in an original work short fragments of others' works, provided that those works have already been published, that the source and the name of the author are acknowledged; and that the excerpt is included for purposes of citation or for critical analysis, commentary or judgement, for teaching or research purposes, for honest use, proportionate to the aim pursued and not for wrongful purposes (art. 24).

Paragraph 1 (h)

487. The State is responsible for the higher schools of professional education in all fields of culture and the arts, including the National Music Conservatory, the National School of Fine Arts, the National School of Plastic Arts and the School of Contemporary Dance. Arts and literature courses are taught in the universities, bringing out students' artistic potential to the full and encouraging them to pursue careers in these fields. Cultural and artistic matters and the natural and cultural heritage also form an important component of courses in architecture, environmental engineering, social communications and tourism.

Paragraph 1 (i)

488. Bilateral and multilateral agreements have been signed, and a massive and aggressive campaign waged in the media and with neighbouring Governments, with a view to recovering and conserving stolen cultural artefacts.

Paragraph 2

489. No legal instrument currently exists to regulate the right of everyone to enjoy the benefits of scientific progress. A draft law on science and technology has been tabled for consideration at the next extraordinary session of the Legislature.

Paragraph 2 (a)

490. Relevant legislation includes an Environment Act, Law No. 1333.

Paragraph 2 (b)

491. No specific measures have been taken, but there will be a statutory instrument regulating information on scientific progress once the Science and Technology Act currently before Parliament has been adopted.

492. With regard to the diffusion of information, the National Council of Science and Technology (CONACYT) will have no means of disseminating information on scientific progress in Bolivia and abroad until the Science and Technology Act has been promulgated. A web page currently being set up will go some way towards meeting this need.

Paragraph 2 (c)

493. CONACYT has no machinery to prevent the use of scientific and technical progress for purposes contrary to the interests of the population. With assistance from PAHO/WHO, a National Committee on Ethics is to be set up, to offer guidance on the use of scientific progress for the benefit of the population.

Paragraph 2 (d)

494. No restrictions exist in this regard.

Paragraph 3

495. To protect the moral and material interests resulting from any scientific, literary or artistic work, articles 14 and 15 of Law No. 1322 provide that the author shall have a perpetual, inalienable, imprescriptible and non-renounceable right over his work, enabling him to:

(a) claim authorship of his work at any time, and in particular, to have his name or pseudonym indicated when his work is used in any form;

(b) oppose any distortion, mutilation or other alteration of the work;

(c) keep his work unpublished. After the author's death his work shall not be published if he has prohibited publication in his will, nor may his identity be revealed unless authorized by himself by the same means.

The author of a protected work or his successors shall have the exclusive right to perform, authorize or prohibit any of the following acts:

(a) reproduction of his work in whole or in part;

(b) translation, adaptation, arrangement or other transformation of his work;

(c) communication of the work to the public through performance, broadcast or any other medium.

496. On 21 June 1999, by S.D. No. 24676, the Government adopted Biosafety Regulations aimed at minimizing the risks and preventing adverse effects on human health, the natural environment and biodiversity arising from work with genetically modified organisms (GMOs).

497. Bolivia is an official member of the Paris Convention for the Protection of Industrial Property, and has adopted national legislation to that effect.

498. As a member of the Andean Community, Bolivia has undertaken to comply with Decisions Nos. 344 (Common Regime concerning Industrial Property), 345 (Common Regime concerning Protection of the Rights of New Varieties of Plants) and 391 (Common Regime concerning Access to Genetic Resources) of the Board of the Cartagena Agreement.

499. The Promotion of Science and Technology Act, which is currently before the Senate for approval, will make it possible to strengthen CONACYT and ensure the effective operation of the National Science and Technology Fund (FONACYT), thereby undoubtedly improving Bolivia's capacities in this regard.

Paragraphs 4 (a) and (b)

500. See under replies to paragraph 2.

Paragraph 5

501. S.D. No. 25159 of 4 September 1998 set up the National Intellectual Property Department (SENAPI), a decentralized public law body of the Ministry of Economic Development with national jurisdiction and its own administrative structure, hierarchically subordinate to the Ministry of Economic Development and operationally subordinate to the Vice-Ministry of Industry and Internal Trade. The institutional mission of SENAPI is to administer the regime of intellectual property, applying the rules of industrial property and copyright, for which purpose it constitutes the competent national authority.

502. The legal regime applicable by SENAPI comprises the rules contained in the national legal order, international agreements to which Bolivia is a party, and community rules adopted with regard to intellectual property (S.D. No. 25159, arts. 3 and 4).

Paragraph 5 (a)

503. Creative workers are free to exchange information, always provided the moral and property rights of the authors of the work are respected. In the case of the use of works protected by copyright for economic ends, authorization must be sought from the owner of the work, failing which his rights will be deemed to have been violated and he may have recourse to the National Copyright Directorate or to the ordinary courts, where appropriate.

504. Bolivian legislation establishes protection of the work for the lifetime of the author and for a period of 50 years after his death. At the end of that period the work passes to the public domain and may be used freely except for economic ends, in which case permission for its use must be sought from the National Copyright Directorate (arts. 18 and 60).

Paragraph 5 (b)

505. No specific measures have been taken in scientific matters. However, regulations exist in the sphere of artistic and cultural production.

Paragraph 5 (c)

506. The provisions of the Copyright Act cover the organization and establishment of societies of authors and artists, with a view to assuming responsibility for the administration of their property rights (collection, administration and settlement of the resources generated by the utilization of their works). The Act also provides for the establishment of a society of writers and artists, to be recognized in law following conferral of legal capacity and other requisite procedures (art. 64, Law No. 1322; art. 27, S.D. No. 23907).

Paragraph 6 (a)

507. Bolivia is a member of a number of international bodies active in the field of copyright protection. In that connection it has acceded to the following instruments: the Berne Convention for the Protection of Literary and Artistic Works; the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations Bodies; the Agreement on Trade-Related Aspects of Intellectual Property Rights; Decision No. 351 of the Andean Community; and the Montevideo Treaty on Intellectual Property.

Paragraph 6 (b)

508. Conferences, seminars, workshops and other activities are held periodically in collaboration with other multilateral cooperation bodies (OAS, the Secretariat of the Andrés Bello Convention, CYTED, UNESCO, etc.). Many of these activities are the result of initiatives by universities, mainly in the State sector, and of offers by international organizations.

Paragraph 7

509. There have been no changes adversely affecting the rights enshrined in this article during the review period.

Paragraph 8

510. No report has been submitted.

Paragraph 9

511. Organisms such as OEI, Unión Latina, the Andrés Bello Convention, UNESCO and others provide continuous support to cultural activities in Bolivia.